

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN MOBILE DEVICES WITH
MULTIFUNCTION EMULATORS**

Inv. No. 337-TA-1170

NOTICE OF INITIAL DETERMINATION ON VIOLATION OF SECTION 337

Administrative Law Judge Cameron Elliot

(March 16, 2021)

On this date, I issued an initial determination on violation of section 337 in the above-referenced investigation. Below are my Initial Determination and the Conclusions of Law from said filing, which are a matter of public record. A complete public version of the Initial Determination will issue when all the parties have submitted their redactions and I have had an opportunity to review such redactions.

SO ORDERED.



Cameron Elliot
Administrative Law Judge

CONCLUSIONS OF LAW

1. The Commission has *in rem* jurisdiction over the Accused Products, multifunction emulators and products containing same.
2. The importation or sale requirement of Section 337 is satisfied for all respondents.
3. Dynamics has not been shown to practice any claims of U.S. Patent No. 8,827,153.
4. Dynamics has been shown to practice claim 1 of U.S. Patent No. 10,032,100, but not claims 6 or 8.
5. Dynamics has not been shown to practice any claims of U.S. Patent No. 10,223,631.
6. Dynamics has not been shown to practice any claims of U.S. Patent No. 10,255,545 but has shown practice is “in the process of being established.”
7. The domestic industry requirement is not satisfied with respect to the 153 patent.
8. The domestic industry requirement is satisfied with respect to the 100 patent.
9. The domestic industry requirement is not satisfied with respect to the 631 patent.
10. The domestic industry requirement is not satisfied with respect to the 545 patent.
11. Samsung directly infringes claims 1 and 7 of the 153 patent.
12. Samsung directly infringes claims 1, 12, and 18 of the 100 patent.
13. Samsung directly infringes claims 1, 4, 6, and 22 of the 631 patent.
14. Samsung directly infringes claims 1, 3, and 5 of the 545 patent.
15. Claims 1 and 7 of the 153 patent have not been shown to be invalid under 35 U.S.C. § 103.
16. Claims 1, 8, 12, and 18 of the 100 patent have been shown to be invalid under 35 U.S.C. § 102 due to anticipation, but not claim 4. Claims 1, 6, and 12 have been shown to be invalid under 35 U.S.C. § 103, but not claim 4. No claims of the 100 patent have been shown to be invalid under 35 U.S.C. §§ 102(f), 112, or 116.
17. Claim 1 of the 631 patent has been shown to be invalid under 35 U.S.C. § 102 due to anticipation, but not claim 4. Claims 1, 4, 6, and 22 have been shown to be invalid under 35 U.S.C. § 103. No claims of the 631 patent have been shown to be invalid under 35 U.S.C. §§ 102(f), 112, or 116.
18. Claims 1, 3, and 5 of the 545 patent have been shown to be invalid under 35 U.S.C. § 102 due to anticipation. No claims have been shown to be invalid under 35 U.S.C. 102(f) or 116.

19. There is no violation of Section 337 with respect to the 153 patent.
20. There is no violation of Section 337 with respect to the 100 patent.
21. There is no violation of Section 337 with respect to the 631 patent.
22. There is no violation of Section 337 with respect to the 545 patent.

INITIAL DETERMINATION AND ORDER

Based on the foregoing, it is my Initial Determination that there is no violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain mobile devices with multifunction emulators, in connection with the asserted claims of U.S. Patent Nos. 8,827,153, 10,032,100, 10,223,631, and 10,255,545.

Furthermore, it is my determination that a domestic industry in the United States exists that practices or exploits U.S. Patent No. 10,032,100, but no others.

I certify to the Commission this Initial Determination, together with the Record of the hearing in this investigation consisting of the following: the transcript of the evidentiary hearing, with appropriate corrections as may hereafter be ordered; and the exhibits accepted into evidence in this investigation.

Pursuant to 19 C.F.R. § 210.42(h), this Initial Determination shall become the determination of the Commission sixty (60) days after the date of service of the Initial Determination, unless a party files a petition for review of the Initial Determination within twelve (12) business days after service of the Initial Determination pursuant to 19 C.F.R. § 210.43(a) or the Commission, pursuant to 19 C.F.R. § 210.44, orders on its own motion, a review of the Initial Determination or certain issues therein. Any issue or argument not raised in a petition for review,

or response thereto, will be deemed to have been abandoned and may be disregarded by the Commission in reviewing the Initial Determination pursuant to 19 C.F.R. § 210.43(b) and (c).

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served upon the following parties as indicated, on **March 16, 2021**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
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