

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN COLOR TELEVISION
RECEIVERS AND COLOR DISPLAY
MONITORS AND COMPONENTS
THEREOF**

Inv. No. 337-TA-534

**NOTICE OF DECISION TO EXTEND THE DEADLINE FOR DETERMINING
WHETHER TO REVIEW AN INITIAL DETERMINATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend the deadline for determining whether to review an initial determination (“ID”), Order No. 37, issued by the presiding administrative law judge (“ALJ”) in the above-captioned investigation by 60 days, *i.e.*, until February 6, 2006.

FOR FURTHER INFORMATION CONTACT: Timothy P. Monaghan, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3152. Copies of the public version of the ID and all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation, which concerns allegations of unfair acts in violation of section 337 of the Tariff Act of 1930 in the importation and sale of certain color television receivers and color display monitors, and components thereof on March 29, 2005, based on a complaint filed by Thomson Licensing S.A. of Soulange, France, and Thomson Licensing Inc. of Princeton, New Jersey (“Thomson”). 70 *Fed. Reg.* 15883 (March 29, 2005). The respondents named in the notice of investigation are

BenQ Corp. of Taoyuan 33 of Taiwan; BenQ Optonics (Suzhou) Co., Ltd. of China; BenQ America Corp. of Irvine, California; and AU Optonics Corp. of Hsinchu, Taiwan (collectively “respondents”). Thomson’s complaint alleged that respondents’ products infringed claims of five different patents held by Thomson, including U.S. Patent No. 5,452,195 (“the ‘195 patent”), and U.S. Patent No. 5,389,893 (“the ‘893 patent”).

On October 17, 2005, the ALJ issued an ID (Order No. 32) granting respondents’ motion for summary determination that the accused products do not infringe the asserted claims of the ‘195 patent. On November 16, 2005, the Commission determined not to review Order No. 32.

On September 12, 2005, respondents moved for summary determination that the accused products do not infringe the asserted claims of the ‘893 patent, or in the alternative, that the ‘893 patent is invalid. Thomson filed a response opposing the motion. The Commission investigative attorney (“IA”) did not respond to the motion.

On October 24, 2005, the presiding ALJ issued an ID (Order No. 37) in which he granted the summary determination motion in part, finding no literal infringement of the ‘893 patent. He also denied the motion for summary determination as to infringement of the ‘893 patent under the doctrine of equivalents and denied the motion for summary determination of invalidity of the ‘893 patent.

On October 31, 2005, complainant Thomson and the IA filed petitions for review of the grant of summary determination of no literal infringement. On November 7, 2005, respondents filed a response to Thomson’s and the IA’s petitions for review. On November 7, 2005, respondents also filed a motion to strike certain arguments and supporting exhibits from complainant’s petition. On November 17, 2005, complainant Thomson filed a response to the motion to strike.

On November 16, 2005, the parties moved jointly to extend the target date and procedural schedule, given that they expected to enter into a settlement agreement no later than December 1, 2005. On November 17, 2005, the ALJ issued Order No. 42 in which he granted the joint motion in part, extending the due date for the filing of the initial post-hearing briefs from December 1, 2005, to December 8, 2005. In light of Order No. 42, the Commission on November 22, 2005, determined to extend the deadline for determining whether to review the subject ID, by 14 days, *i.e.*, until December 7, 2005.

In light of the continuing settlement negotiations between the parties, the Commission has determined to further extend the deadline for determining whether to review the subject ID (Order No. 37) by 60 days, *i.e.*, until February 6, 2006.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: December 7, 2005