

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

In the Matter of

**CERTAIN LIQUID CRYSTAL DISPLAY  
DEVICES AND PRODUCTS CONTAINING  
THE SAME**

Investigation No. 337-TA-631

RECEIVED  
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U.S. INTERNATIONAL TRADE COMMISSION  
2008 JUN 21 PM 12:04

**NOTICE OF COMMISSION DECISION TO AFFIRM-IN-PART AND REVERSE-IN-PART A  
FINAL INITIAL DETERMINATION FINDING A VIOLATION OF SECTION 337; ISSUANCE  
OF A LIMITED EXCLUSION ORDER AND A CEASE AND DESIST ORDER; AND  
TERMINATION OF THE INVESTIGATION**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to affirm-in-part and reverse-in-part a final initial determination ("ID") of the presiding administrative law judge ("ALJ") finding a violation of section 337 by the respondents' products in the above-captioned investigation, and has issued a limited exclusion order directed against products of respondents Sharp Corporation of Japan; Sharp Electronics Corporation of Mahwah, New Jersey; and Sharp Electronics Manufacturing Company of America, Inc. of San Diego, California (collectively "Sharp"); and cease and desist orders direct against products of Sharp Electronics Corp. and Sharp Electronics Manufacturing Co.

**FOR FURTHER INFORMATION CONTACT:** Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5468. Copies of non-confidential 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. General information concerning the Commission may also be obtained by accessing its Internet server at <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>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on January 25, 2008, based on a complaint filed by Samsung Electronics Co., Ltd. ("Samsung") of Korea. 73 Fed. Reg. 4626-27. The complaint, as supplemented, alleges violations 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, and the sale within the United States after importation of certain liquid crystal display ("LCD") devices and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 7,193,666; 6,771,344 ("the '344 patent"); 7,295,196; and 6,937,311 ("the '311 patent"). The complaint further alleges the existence of a domestic industry as to each asserted patent. The Commission's notice of

investigation named the following respondents: Sharp Corporation of Japan; Sharp Electronics Corporation of Mahwah, New Jersey; and Sharp Electronics Manufacturing, Company of America, Inc. of San Diego, California.

On January 26, 2009, the ALJ issued his final ID finding a violation of section 337 by respondents as to the '311 and '344 patents only, and issued his recommended determinations on remedy and bonding. On February 9, 2009, Sharp and the Commission investigative attorney ("IA") filed petitions for review of the final ID. The IA and Samsung filed responses to the petitions on February 17, 2009.

On March 30, 2009, the Commission determined to review: 1) the ALJ's construction of the claim term "domain dividers" found in the '311 patent;" 2) the ALJ's determination that Sharp's LCD devices infringe the '311 patent; 3) the ALJ's determination that the '311 patent is not unenforceable; and 4) the ALJ's determination that the asserted claims of the '344 patent are not invalid as anticipated by U.S. Patent No. 5,309,264 ("the '264 patent").

The Commission requested the parties to respond to certain questions concerning the issues under review and requested written submissions on the issues of remedy, the public interest, and bonding from the parties and interested non-parties. 74 *Fed. Reg.* 15301-02 (April 3, 2009).

On April 10 and April 17, 2009, respectively, complainant Samsung, the Sharp respondents, and the IA filed briefs and reply briefs on the issues for which the Commission requested written submissions. Also, the Commission received four submissions from interested non-parties on the issues of remedy, the public interest, and bonding.

Having reviewed the record in this investigation, including the final ID and the parties' written submissions, the Commission has determined to affirm-in-part and reverse-in-part the ID. Particularly, the Commission has construed the term "domain dividers" in claims 6 and 8 of the '311 patent to be "apertures formed in the conductive layer comprising the electrode." Further, the Commission has reversed the ALJ's ruling of infringement of the '311 patent by Sharp's LCD devices and determined that these devices do not infringe claims 6 and 8 under the Commission's claim construction of "domain dividers." Also, the Commission has taken no position on the validity of the '311 patent pursuant to 35 U.S.C. § 112, ¶ 1, under the ALJ's construction of "domain dividers," or the unenforceability of the '311 patent. In addition, the Commission has affirmed the ALJ's finding that claims 7 and 8 of the '344 patent are not invalid in view of the '264 patent, and affirm his determination of a violation of section 337 with respect to the '344 patent.

Further, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that the appropriate form of relief is both: 1) a limited exclusion order prohibiting the unlicensed entry of LCD devices, including display panels and modules, and LCD televisions or professional displays containing the same that infringe claims 7 or 8 of the '344 patent, that are manufactured abroad by or on behalf of, or are imported by or on behalf of, Sharp, or any of its affiliated companies, parents, subsidiaries, licensees, contractors, or other related business entities, or successors or assigns; and 2) cease and desist orders prohibiting Sharp Electronics Corp. and Sharp Electronics Manufacturing Co. from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), and soliciting U.S. agents or distributors for, LCD devices, including display panels and

modules, and LCD televisions or professional displays containing the same that are covered by claims 7 or 8 of the '344 patent.

The Commission further determined that the public interest factors enumerated in section 337(d)(1) (19 U.S.C. § 1337(d)(1)) do not preclude issuance of the limited exclusion order or the cease and desist order. Finally, the Commission determined that no bond is required to permit temporary importation during the period of Presidential review (19 U.S.C. § 1337(j)). The Commission's orders and opinion were delivered to the President and to the United States Trade Representative on the day of its issuance.

The Commission has terminated this investigation. 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 sections 210.42, 210.45, and 210.50 of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.42, 210.45, 210.50).

By order of the Commission.



Marilyn R. Abbott  
Secretary to the Commission

Issued: June 24, 2009

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

**In the Matter of**

**CERTAIN LIQUID CRYSTAL DISPLAY  
DEVICES AND PRODUCTS  
CONTAINING THE SAME**

**Inv. No. 337-TA-631**

**LIMITED EXCLUSION ORDER**

The Commission has determined that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the unlawful importation and sale of certain liquid crystal display ("LCD") devices and products containing the same that infringe one or more of claims 7 and 8 of U.S. Patent No. 6,771,344 ("the '344 patent") by Sharp Corporation ("Sharp"), Sharp Electronics Corporation ("SEC"), and Sharp Electronics Manufacturing Company of America, Inc. ("SEMA").

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of liquid crystal display ("LCD") devices, including display panels and modules, and LCD televisions or professional displays containing the same that infringe the asserted claims of the '344 patent and that are manufactured abroad by or on behalf of, or imported by or on behalf of, Sharp, SEC, or SEMA. The Commission has also determined that the appropriate form of relief includes cease and desist orders against SEC and SEMA.

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(d) do not preclude issuance of the limited exclusion order or cease and desist orders, and that respondents may import without posting bond during the Presidential review period.

Accordingly, the Commission hereby **ORDERS** that:

1. Liquid crystal display (“LCD”) devices, including display panels and modules, and LCD televisions or professional displays containing the same that are covered by one or more of claims 7 and 8 of the ‘344 patent, and that are manufactured abroad by or on behalf of, or are imported by or on behalf of, Sharp, SEC, SEMA, or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, are excluded from entry for consumption into the United States, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, for the remaining term of the patent, except under license of the patent owner or as provided by law, and except for LCD devices imported for use as replacement parts for LCD televisions or professional displays imported into the United States prior to the effective date of this Order.

2. Notwithstanding paragraph 1 of this Order, the aforesaid liquid crystal display (“LCD”) devices, including display panels and modules, and LCD televisions or professional displays containing the same are entitled to entry into the United States for consumption, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, without posting bond pursuant to subsection (j) of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337(j), and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 *Fed. Reg.* 43251), from the day after this Order is received by the United States Trade Representative and until such time as the United States

Trade Representative notifies the Commission that this action is approved or disapproved but, in any event, not later than sixty (60) days after the date of receipt of this action.

3. At the discretion of U.S. Customs and Border Protection (“CBP”) and pursuant to procedures it establishes, persons seeking to import liquid crystal display (“LCD”) devices, including display panels and modules, and LCD televisions or professional displays containing the same that are potentially subject to this Order may be required to certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraphs 1 through 7 of this Order. At its discretion, CBP may also require persons who have provided the certification described in this paragraph to furnish such records or analyses as it deems necessary to substantiate the certification.

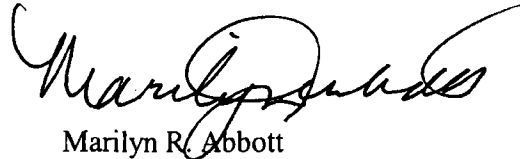
4. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to liquid crystal display (“LCD”) devices, including display panels and modules, and LCD televisions or professional displays containing the same that are imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.

5. The Commission may modify this Order in accordance with the procedures described in Rule 210.76 of the Commission’s Rules of Practice and Procedure, 19 C.F.R. § 210.76.

6. The Secretary shall serve copies of this Order upon each party of record in this investigation and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and CBP.

7. Notice of this Order shall be published in the *Federal Register*.

By Order of the Commission.

A handwritten signature in black ink, appearing to read "Marilyn R. Abbott". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Marilyn R. Abbott  
Secretary to the Commission

Issued: June 24, 2009

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

**In the Matter of**

**CERTAIN LIQUID CRYSTAL DISPLAY  
DEVICES AND PRODUCTS CONTAINING  
THE SAME**

**Inv. No. 337-TA-631**

**CEASE AND DESIST ORDER**

IT IS HEREBY ORDERED THAT Sharp Electronics Corporation, 1 Sharp Plaza, Mahwah, New Jersey 07430, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), and soliciting U.S. agents or distributors for, certain liquid crystal display ("LCD") devices, including display panels and modules, and LCD televisions or professional displays containing the same that are covered by one or more of claims 7 and 8 of U.S. Patent No. 6,771,344 ("the '344 patent") in violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

**I.**

**Definitions**

As used in this Order:

- (A) "Commission" shall mean the United States International Trade Commission.
- (B) "Complainant" or "Samsung" shall mean Samsung Electronics Company, Ltd. of 416 Maetan-dong, Youngtong-gu, Suwon, Kyunggi-Do, Korea 443-742.
- (C) "Respondent" shall mean Sharp Electronics Corporation, 1 Sharp Plaza, Mahwah, New Jersey 07430.
- (D) "Person" shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity or its majority owned or controlled

subsidiaries, successors, or assigns.

(E) "United States" shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms "import" and "importation" refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term "covered products" shall mean certain liquid crystal display ("LCD") devices, including display panels and modules, and LCD televisions or professional displays containing the same that infringe one or more of claims 7 and 8 of the '344 patent.

## **II.**

### **Applicability**

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, or otherwise on behalf of Respondent.

## **III.**

### **Conduct Prohibited**

The following conduct of Respondent in the United States is prohibited by the Order. For the remaining term of the patent, Respondent shall not:

- (A) import or sell for importation into the United States covered products;
- (B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation), in the United States imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

#### **IV.**

##### **Conduct Permitted**

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

(A) in a written instrument, the owner of the '344 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States; or

(B) the conduct is limited to the provision of service and replacement parts for customers that purchased their covered products prior to the date of issuance of this Order.

#### **V.**

##### **Reporting**

For purposes of this reporting requirement, the reporting periods shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date of issuance of this Order through June 30, 2009. This reporting requirement shall continue in force until such time as Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of covered products that Respondent has imported or sold in the United States after importation during the reporting period and the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## **VI.**

### **Record-keeping and Inspection**

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order and for no other purpose, and subject to any privilege recognized by the federal courts of the United States, duly authorized representatives of the Commission, upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary form as are required to be retained by subparagraph VI(A) of this Order.

## **VII.**

### **Service of Cease and Desist Order**

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this Order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the date of expiration of the '344 patent, whichever is later.

## **VIII.**

### **Confidentiality**

Any request for confidential treatment of information obtained by the Commission pursuant to Sections V and VI of this Order should be in accordance with Commission Rule 201.6, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## **IX.**

### **Enforcement**

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

**X.**

**Modification**


The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

**XI.**

**Bonding**

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative as delegated by the President, 70 *Fed Reg* 43251 (July 21, 2005), without Respondent posting a bond.

By Order of the Commission.



Marilyn R. Abbott  
Secretary to the Commission

Issued: June 24, 2009

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

**In the Matter of**

**CERTAIN LIQUID CRYSTAL DISPLAY  
DEVICES AND PRODUCTS CONTAINING  
THE SAME**

**Inv. No. 337-TA-631**

**CEASE AND DESIST ORDER**

IT IS HEREBY ORDERED THAT Sharp Electronics Manufacturing Company of America, Inc., 9295 Siempre Viva Road, Suite J2, San Diego, California 92154, cease and desist from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), and soliciting U.S. agents or distributors for, certain liquid crystal display ("LCD") devices, including display panels and modules, and LCD televisions or professional displays containing the same that are covered by one or more of claims 7 and 8 of U.S. Patent No. 6,771,344 ("the '344 patent") in violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337.

**I.**

**Definitions**

As used in this Order:

- (A) "Commission" shall mean the United States International Trade Commission.
- (B) "Complainant" or "Samsung" shall mean Samsung Electronics Company, Ltd. of 416 Maetan-dong, Youngtong-gu, Suwon, Kyunggi-Do, Korea 443-742.
- (C) "Respondent" shall mean Sharp Electronics Manufacturing Company of America, Inc., 9295 Siempre Viva Road, Suite J2, San Diego, California 92154.
- (D) "Person" shall mean an individual, or any non-governmental partnership, firm,

association, corporation, or other legal or business entity or its majority owned or controlled subsidiaries, successors, or assigns.

(E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.

(F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.

(G) The term “covered products” shall mean certain liquid crystal display (“LCD”) devices, including display panels and modules, and LCD televisions or professional displays containing the same that infringe one or more of claims 7 and 8 of the ‘344 patent.

## **II.**

### **Applicability**

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by Section III, *infra*, for, with, or otherwise on behalf of Respondent.

## **III.**

### **Conduct Prohibited**

The following conduct of Respondent in the United States is prohibited by the Order. For the remaining term of the patent, Respondent shall not:

- (A) import or sell for importation into the United States covered products;
- (B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation), in the United States imported covered products;
- (C) advertise imported covered products;

(D) solicit U.S. agents or distributors for imported covered products; or

(E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

#### **IV.**

##### **Conduct Permitted**

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if:

(A) in a written instrument, the owner of the '344 patent licenses or authorizes such specific conduct, or such specific conduct is related to the importation or sale of covered products by or for the United States; or

(B) the conduct is limited to the provision of service and replacement parts for customers that purchased their covered products prior to the date of issuance of this Order.

#### **V.**

##### **Reporting**

For purposes of this reporting requirement, the reporting periods shall commence on July 1 of each year and shall end on the subsequent June 30. However, the first report required under this section shall cover the period from the date of issuance of this Order through June 30, 2009. This reporting requirement shall continue in force until such time as Respondent will have truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission the quantity in units and the value in dollars of covered products that Respondent has imported or sold in the United States after importation during the reporting period and the quantity in units and value in dollars of reported covered products that remain in

inventory in the United States at the end of the reporting period.

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## **VI.**

### **Record-keeping and Inspection**

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purpose of determining or securing compliance with this Order and for no other purpose, and subject to any privilege recognized by the federal courts of the United States,

duly authorized representatives of the Commission, upon reasonable written notice by the Commission or its staff, shall be permitted access and the right to inspect and copy in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, both in detail and in summary form as are required to be retained by subparagraph VI(A) of this Order.

## **VII.**

### **Service of Cease and Desist Order**

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported

covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this Order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect until the date of expiration of the '344 patent, whichever is later.

## **VIII.**

### **Confidentiality**

Any request for confidential treatment of information obtained by the Commission pursuant to Sections V and VI of this Order should be in accordance with Commission Rule 201.6, 19 C.F.R. § 201.6. For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## **IX.**

### **Enforcement**

Violation of this Order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.75, including an action for civil penalties in accordance with section 337(f) of the Tariff Act of 1930, 19 U.S.C. § 1337(f), and any other action as the Commission may deem appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if Respondent fails to provide adequate or timely information.

## **X.**

### **Modification**

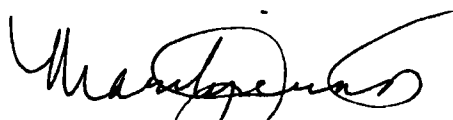
The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

### **XI.**

#### **Bonding**

The conduct prohibited by Section III of this Order may be continued during the sixty (60) day period in which this Order is under review by the United States Trade Representative as delegated by the President, 70 *Fed Reg* 43251 (July 21,2005), without Respondent posting a bond.

By Order of the Commission.



Marilyn R. Abbott  
Secretary to the Commission

Issued: June 24, 2009

**CERTAIN LIQUID CRYSTAL DISPLAY DEVICES AND  
PRODUCTS CONTAINING THE SAME**

**337-TA-631**

**PUBLIC CERTIFICATE OF SERVICE**

I, Marilyn R. Abbott, hereby certify that the attached **NOTICE OF COMMISSION DECISION TO AFFIRM-IN-PART AND REVERSE-IN-PART A FINAL INITIAL DETERMINATION FINDING A VIOLATION OF SECTION 337; ISSUANCE OF A LIMITED EXCLUSION ORDER AND A CEASE AND DESIST ORDER; AND TERMINATION OF THE INVESTIGATION** has been served by hand upon the Commission Investigative Attorney, Stephen Smith, Esq., and the following parties as indicated, on June 24, 2009.



Marilyn R. Abbott, Secretary  
U.S. International Trade Commission  
500 E Street, SW  
Washington, DC 20436

**ON BEHALF OF COMPLAINANT SAMSUNG  
ELECTRONICS CO., LTD.:**

Joseph V. Colaianni, Jr., Esq.  
**FISH & RICHARDSON P.C.**  
1425 K Street, NW, 11<sup>th</sup> Floor  
Washington, DC 20005  
P-202-783-5070  
F-202-783-2331

- Via Hand Delivery  
 Via Overnight Mail  
 Via First Class Mail  
 Other: \_\_\_\_\_

**ON BEHALF OF RESPONDENTS SHARP  
CORPORATION, SHARP ELECTRONICS  
CORPORATION AND SHARP ELECTRONICS  
MANUFACTURING COMPANY OF AMERICA,  
INC.:**

G. Brian Busey, Esq.  
**MORRISON & FOERSTER LLP**  
2000 Pennsylvania Avenue, NW  
Washington, DC 20006  
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- Via Hand Delivery  
 Via Overnight Mail  
 Via First Class Mail  
 Other: \_\_\_\_\_