

PUBLIC VERSION

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN TELEVISION SETS,
TELEVISION RECEIVERS,
TELEVISION TUNERS, AND
COMPONENTS THEREOF**

Inv. No. 337-TA-910

**ORDER NO. 45: DENYING RESPONDENTS' MOTION FOR SUMMARY
DETERMINATION OF NONINFRINGEMENT**

(November 28, 2014)

On October 2, 2014, Respondents Silicon Laboratories Inc., Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., LG Electronics, Inc., LG Electronics U.S.A., VIZIO, Inc., Top Victory Investments Ltd., and TPV International (USA), Inc. (collectively, "Respondents") filed a motion for summary determination that the accused products do not infringe U.S. Patent No. 7,075,585 ("the '585 Patent") for lack of a "plurality of modulators" as required by the '585 Patent. (Motion Docket No. 910-040.)

On October 14, 2014, Complainant Cresta Technology Corporation ("CrestaTech") filed its opposition to Respondents' motion. No other responses were filed. Respondents aver that they made a reasonable, good faith effort to resolve this matter with Complainant at least two days before filing the motion.

I. PARTIES ARGUMENTS

A. Respondents' Motion

Respondents argue that the terms "a plurality of demodulators . . . each of said demodulators generating video and audio baseband signals" and "demodulating using a plurality

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of demodulators” should be given their plain and ordinary meanings. (Mem. at 1.) Respondents state that the accused tuners have a signal processor with a switched output such that only a single demodulator may receive output signals from the [REDACTED]

[REDACTED] (*Id.* at 2.) Respondents further state that this structure allows only [REDACTED] (*Id.*)

Respondents argue that thus, an accused product can never comprise “a plurality of demodulators . . . each generating video and audio baseband signals” and that no accused products perform the step of “demodulating using a plurality of demodulators.” (*Id.*)

Respondents state that these facts are not disputed by CrestaTech’s expert, Dr. Snelgrove. (*Id.* at 7.) Respondents argue that Dr. Snelgrove instead interprets claim 1 such that the plurality of demodulators are not required to “actively receive and demodulate signals at the same time.” (*Id.* at 8 (quoting Mot., Ex. 1, Ex. E at 25).) Respondents argue that this is an incorrect reading of claim 1 and that the literal claim language precludes Dr. Snelgrove’s construction. (*Id.* at 8-10.) Respondents further argue that Dr. Snelgrove improperly interprets claim 17 to mean “demodulating using *one of* a plurality of demodulators” rather than “demodulating using a plurality of demodulators.” (*Id.* at 10-11.)

B. CrestaTech’s Opposition

CrestaTech argues that summary determination is inappropriate because a genuine dispute as to claim construction should not be resolved on an abbreviated summary determination record. (*Id.* at 13.) CrestaTech states that Silicon Labs’ proposed construction of a “plurality of demodulators” is contradicted by evidence. (*Id.*) CrestaTech states that the claims do not require that all demodulators are active at the same time. (*Id.* at 4 (citing Opp., Ex. 3, Ex. A at 22; Opp., Ex. 2 at CRESTA_585FH000130).) CrestaTech argues that when the term “plurality of demodulators” is read in light of the entire claim, it is clear that each of the plurality

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of demodulators demodulates specific output signals from the signal processor rather than demodulating every output signal from the signal processor. (*Id.* at 14-15.) CrestaTech states that Respondents' proposed construction is nonsensical. (*Id.* at 15.) CrestaTech states that the accused products containing Silicon Labs' tuners have [REDACTED]

(*Id.* at 5-9 (citing Opp., Ex. A at ¶¶ 80-91).) CrestaTech explains that because, by definition,

[REDACTED]

[REDACTED]

[REDACTED] (*Id.*)

CrestaTech further argues that the demodulators in the accused products are [REDACTED]

[REDACTED]

[REDACTED] is irrelevant. (*Id.* at 15-16 (citing Opp., Ex. 3, Ex. A).) CrestaTech

states that nothing in the language of the claim requires [REDACTED]

[REDACTED] at the same time. (*Id.* at 16 (citing Opp., Ex. 3, Ex. A at

25).) CrestaTech argues that the teachings of the specification of the '585 Patent are consistent

with this understanding. (*Id.* (citing '585 Patent at 2:67-3:3, 5:43-54, 6:6-7).) CrestaTech also

states that Respondents' proposed construction is contradicted by the prosecution history. (*Id.*)

CrestaTech states the patent Examiner recognized that claims 1 and 17 allow for "multiple

diverse signals for reception *at different times.*" (*Id.* at 16-17 (citing Opp. Ex. 2 at

CRESTA_585FH000130).)

CrestaTech also states that Respondents have failed to show the absence of any genuine issue of material fact regarding infringement. (*Id.* at 18.) CrestaTech states that Respondents'

motion is unsupported by any expert opinion, whereas CrestaTech's expert, Dr. Snelgrove, has

opined that the accused products do infringe the '585 Patent. (*Id.* at 18-21.)

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II. DICUSSION

The parties dispute the proper construction of at least the term “plurality of demodulators.” (Opp. at 12-18.) I find that it is premature to construe the disputed claim terms on an abbreviated summary determination record and that further factual development and the opportunity to evaluate witness testimony at hearing is necessary. *Certain Notebook Computer Prods. and Components Thereof*, Inv. No. 337-TA-705, Order No. 21, 2010 WL 5877089, at *3 (Sept. 24, 2010); *see also Certain Digital Set-Top Boxes and Components Thereof*, Inv. No. 337-TA-712, Order No. 26, 2010 WL 55774328, at *4 (Dec. 22, 2010). Accordingly, Motion Docket No. 910-040 is hereby DENIED.

Within seven (7) days of the date of this Order, each party shall submit to the Office of the Administrative Law Judges a statement as to whether or not it seeks to have any portion of this document deleted from the public version. The parties’ submissions may be made by facsimile and/or hard copy by the aforementioned date.

Any party seeking to have any portion of this document deleted from the public version thereof must submit to this office a copy of this document with red brackets indicating any portion asserted to contain confidential business information. The parties’ submissions concerning the public version of this document need not be filed with the Commission Secretary.

SO ORDERED.

Dee Lord

Dee Lord
Administrative Law Judge

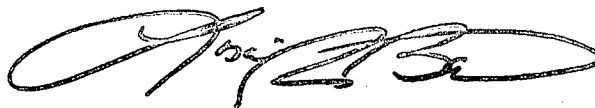
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PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Attorney, **Peter J. Sawert, Esq.**, and the following parties as indicated, on

NOV 28 2014



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