

PUBLIC VERSION

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

In the Matter of

**CERTAIN AUDIOVISUAL
COMPONENTS AND PRODUCTS
CONTAINING THE SAME**

Inv. No. 337-TA-837

Order No. 41

Complainants LSI Corporation and Agere Systems LLC (collectively, “complainants”) filed a motion for leave to amend the amended complaint and notice of investigation, and a memorandum in support thereof. Motion Docket No. 837-53. Respondents Funai Electric Company, Ltd.; Funai Corporation, Inc.; P&F USA, Inc.; and Funai Service Corporation (collectively, “Funai”) filed an opposition. Respondent Realtek Semiconductor Corporation (“Realtek”) filed a response in which it took no position on the motion. No other response was filed.

Complainants seek to amend the amended complaint in order to clarify that the scope of accused Funai products is not limited to Funai products that contain integrated circuit (“IC”) components supplied by either Realtek or MediaTek.¹ Mot. at 1. Complainants argue that respondents will suffer no prejudice because complainants have consistently maintained that the scope of accused products is not limited to Funai products incorporating solely MediaTek and Realtek IC components. Mem. at 5.

¹ MediaTek Inc.; MediaTek USA Inc.; MediaTek Wireless, Inc.; Ralink Technology Corporation; and Ralink Technology Corporation (USA).

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Funai argues that complainants have not shown good cause because they have failed to identify any new information that would justify the proposed amendment. Opp'n at 3. Funai argues that the parties will already obtain full discovery and the Commission will develop a complete record because the scope of discovery has already been delineated by the administrative law judge in Order No. 15. *Id.* at 4. Funai argues that it will be prejudiced by the proposed amendment because complainants are seeking to expand the scope of accused Funai products at a late stage in the investigation. *Id.* at 5-6.

Commission Rule 210.14(b)(1) states that “[a]fter an investigation has been instituted, the complaint or notice of investigation may be amended only by leave of the Commission for good cause shown and upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties to the investigation.” 19 C.F.R. § 210.14(b)(1).

Background facts giving rise to the pending motion will not be repeated here. *See* Order Nos. 15, 24, 25, and 27. In view of the administrative law judge’s rulings in those orders, and the arguments made in connection with the pending motion, Motion No. 837-53 is granted to the extent that complainants may amend the amended complaint.²

As indicated in Order No. 15, in their first amended complaint, complainants identified only co-respondents as Funai’s component suppliers. Yet, as seen in Order No. 15 and the other related orders cited above, complainants have sought discovery as to other possible suppliers. Complainants now seek leave to amend their complaint to clarify that the scope of accused products includes Funai products that contain chips from other suppliers. The undersigned finds

² No party has shown how the amendment at issue would require any change in the language of the notice of investigation. Consequently, the pending motion may be granted by order rather than initial determination. *See* 19 C.F.R. § 210.14(b)(1).

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that complainants have shown the requisite good cause for the proposed amendment, and the amendment will not prejudice the public interest or the rights of any party to the investigation.

The proposed amendment has been brought on a timely basis, will promote judicial economy and efficiency, and will not change the relief requested or add any parties to the investigation. The proposed amendment will help the Commission develop a complete record, allow the Commission more easily to carry out its enforcement function after the investigation if complainants prevail, and will permit adjudication of matters pertaining to Funai and complainants in a single investigation as opposed to separate investigations. It is in the public interest to adjudicate all matters relating to Funai and complainants with respect to the asserted patents in a single investigation. Respondents will suffer no prejudice because complainants have consistently maintained that the scope of accused products is not limited to Funai products incorporating solely MediaTek and Realtek IC components. *See Mem.* at 5.

Within seven days of the date of this document, each party shall file with the Commission Secretary a statement as to whether or not it seeks to have any portion of the document redacted from the public version. Any party seeking to have a portion of this document redacted from the public version must submit to this office a copy of this document with red brackets indicating the portion, or portions, asserted to contain confidential business information.

So ordered.




David P. Shaw
Administrative Law Judge

Issued: October 1, 2012

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER NO. 41** was served upon the following parties as indicated, on DEC 27 2012.



Lisa R. Barton, Acting Secretary
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