

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN GLASS SUBSTRATES FOR
LIQUID CRYSTAL DISPLAYS,
PRODUCTS CONTAINING THE SAME,
AND METHODS FOR
MANUFACTURING THE SAME II

Investigation No. 337-TA-1441

COMMISSION OPINION

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I. INTRODUCTION

On June 8, 2026, the Commission determined to review in part a final initial determination (“FID”) issued by the presiding administrative law judge (“ALJ”) on April 7, 2026. 91 Fed. Reg. 35555-56 (June 11, 2026). Upon consideration of the two issues under Commission review, the Commission affirms with additional reasoning the FID’s finding that the claim term “mole percent on an oxide basis” is not indefinite. The Commission also affirms with additional and modified reasoning the FID’s finding that complainant Corning Incorporated of Corning, New York (“Complainant”) has satisfied the economic prong of the domestic industry (“DI”) requirement under 19 U.S.C. § 1337(a)(3)(B). Therefore, the Commission has determined that there has been a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“section 337”), with respect to claims 3, 6, 8, and 12 of U.S. Patent No. 8,642,491 (“the ’491 patent”) and claims 2, 3, 5, 6, and 9 of U.S. Patent No. 8,640,498 (“the ’498 patent”) (together, “the Asserted Patents”).

Having found a violation of section 337, the Commission has determined to issue a limited exclusion order (“LEO”) against respondents Caihong Display Devices Co., Ltd., d/b/a Irico Display Devices Co., Ltd. of Xianyang City, Shaanxi Province, China (“Caihong”); Xianyang CaiHong Optoelectronics Technology Co., Ltd. of Xianyang City, Shaanxi Province, China (“CHOT”); TCL China Star Optoelectronics Technology Co., Ltd. of Shenzhen City, Guangdong Province, China (“CSOT”); and TTE Technology, Inc., d/b/a TCL North America of Irvine, California (“TCL”) (collectively, “Respondents”). The Commission has also determined to issue a cease and desist order (“CDO”) against TCL. The Commission finds that the public interest factors do not preclude the issuance of these remedial orders. The Commission has determined to set a bond in the amount of zero percent (0%) of the entered value of infringing articles imported during the period of Presidential review.

This opinion sets forth the Commission's reasoning in support of that determination.

II. BACKGROUND

A. Procedural History

The Commission instituted this investigation on March 7, 2025, based on a complaint filed by Complainant. 90 Fed. Reg. 11549-50 (Mar. 7, 2025). The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain glass substrates for liquid crystal displays, products containing the same, and methods for manufacturing the same by reason of the infringement of certain claims of the '491 patent, the '498 patent, and U.S. Patent No. 7,851,394 ("the '394 patent"). *Id.* at 11549. The complaint further alleges that a DI exists. *Id.* The notice of investigation names nine respondents: (1) Caihong; (2) Hisense USA Corporation of Suwanee, Georgia; (3) HKC Corporation Ltd. of Shenzhen City, Guangdong Province, China; (4) HKC Overseas Ltd. of Hong Kong; (5) LG Electronics U.S.A., Inc. of Englewood Cliffs, New Jersey; (6) CSOT; (7) TCL; (8) VIZIO, Inc. of Irvine, California; and (9) CHOT. *Id.* The Office of Unfair Import Investigations is not named as a party to this investigation. *Id.*

The Commission previously terminated several respondents from the investigation based on settlement agreements. Order No. 24 (July 15, 2025), *unreviewed by* Comm'n Notice (Aug. 6, 2025) (HKC Corporation Ltd. and HKC Overseas Ltd.); Order No. 28 (Sept. 10, 2025), *unreviewed by* Comm'n Notice (Sept. 30, 2025) (VIZIO, Inc.); Order No. 29 (Sept. 30, 2025), *unreviewed by* Comm'n Notice (Dec. 8, 2025) (LG Electronics U.S.A., Inc.); Order No. 57 (Mar. 24, 2026), *unreviewed by* Comm'n Notice (Apr. 20, 2026) (Hisense USA Corporation). Accordingly, four respondents remain in the investigation: Caihong, CSOT, CHOT, and TCL.

On December 22, 2025, the Commission terminated the investigation as to the '394 patent and claim 2 of the '491 patent. Order No. 35 (Dec. 2, 2025), *unreviewed by Comm'n* Notice (Dec. 22, 2025).

The ALJ held an evidentiary hearing from January 6 through January 8, 2026. As of the evidentiary hearing, claims 3, 6, 8, and 12 of the '491 patent and claims 2, 3, 5, 6, and 9 of the '498 patent were still at issue.

On April 7, 2026, the ALJ issued the FID, finding a violation of section 337 with respect to each of the remaining asserted claims. Specifically, the FID finds that the 615 Accused Products, as defined in Section II.D *infra*, infringe all of the remaining asserted claims of the Asserted Patents. The FID further finds that the 616 Accused Products, as defined in Section II.D *infra*, do not infringe any of the remaining asserted claims of the Asserted Patents. The FID also finds that the remaining asserted claims of the Asserted Patents are not invalid under 35 U.S.C. § 102 for anticipation, under 35 U.S.C. § 103 for obviousness, or for indefiniteness, lack of written description, or lack of enablement under 35 U.S.C. § 112. The FID further finds that the remaining asserted claims of the '498 patent are not invalid for obviousness-type double patenting. The FID also finds that the '491 patent and the '498 patent are not unenforceable for inequitable conduct or patent misuse. Finally, the FID finds that Complainant has satisfied the technical prong and the economic prong of the DI requirement for both of the Asserted Patents.

The FID also includes the ALJ's Recommended Determination ("RD") on remedy and bond, should the Commission find a violation of section 337. The RD recommends issuing an LEO barring entry of infringing products, and also recommends including a standard certification provision. The RD recommends not issuing a CDO against TCL or any other Respondent. Finally, the RD recommends that the Commission set a bond in the amount of zero

percent (0%) of the value of infringing products imported during the period of Presidential review.

On April 20, 2026, Respondents petitioned for review of certain of the FID’s findings regarding indefiniteness and written description for both the ’491 patent and the ’498 patent, as well as the FID’s findings regarding obviousness-type double patenting for the ’498 patent.¹ On April 28, 2026, Complainant submitted a response to Respondents’ petition.²

On May 7, 2026, Complainant filed a public interest statement pursuant to Commission Rule 210.50(a)(4), 19 C.F.R. § 210.50(a)(4).³ On May 8, 2026, Respondents submitted their public interest statement pursuant to Commission Rule 210.50(a)(4).⁴ No submissions were filed in response to the post-RD *Federal Register* notice. *See* 91 Fed Reg 18478-79 (Apr. 10, 2026).

On June 8, 2026, the Commission determined to review the FID in part. 91 Fed. Reg. 35555-56 (June 11, 2026). Specifically, the Commission determined to review the FID’s findings that: (1) the claim term “mole percent on an oxide basis” is not indefinite; and (2) Complainant has satisfied the economic prong of the DI requirement under section 337(a)(3)(B). *Id.* at 35556. The Commission also requested submissions on remedy, the public interest, and bonding. *Id.*

¹ Respondents’ Petition for Review of Initial Determination (Apr. 20, 2026) (“PFR”).

² Complainant’s Response to Respondents’ Petition for Review of Final Initial Determination (Apr. 28, 2026).

³ Complainant’s Statement on the Public Interest (May 7, 2026).

⁴ Respondents’ Public Interest Statement (May 8, 2026) (“Resp. PI Statement”).

On June 22, 2026, Complainant filed its opening submission on remedy, the public interest, and bonding.⁵ On that same date, respondents Caihong and CHOT filed an opening submission, which included a discussion of the two issues under review in addition to their view on remedy, the public interest, and bonding.⁶ Also on that date, TCL and CSOT filed a separate submission on remedy, the public interest, and bonding.⁷

On July 6, 2026, the Commission granted in part Complainant's motion to strike the portions of respondents Caihong's and CHOT's opening brief that contain arguments regarding the two issues under review, as the Commission did not request additional briefing on those issues. Comm'n Order at 5-6 (July 6, 2026). Specifically, the Commission struck Sections II.A, II.B, and all arguments in the Introduction and Conclusion sections of the brief that were directed to the issues under review. *Id.*

On July 13, 2026, the parties submitted their responsive briefs on remedy, the public interest, and bonding.⁸ *See* Order Granting in Part Complainant's Request for an Expedited Response to Motion to Strike; Extension of Deadline for Responsive Briefing on Issues of

⁵ Complainant's Opening Submission on Remedy, Bonding, and the Public Interest (June 22, 2026) ("Compl. RBPI").

⁶ Opening Submission of Respondents Caihong Display Devices Co., Ltd. and Xianyang Caihong Optoelectronics Technology Co., Ltd. on Certain Issues Under Review and on Remedy, Bond, and the Public Interest (June 22, 2026) ("Caihong RBPI").

⁷ Initial Written Submission of Respondents TCL China Star Optoelectronics Technology Co., Ltd and TTE Technology, Inc. on Remedy the Public Interest, and Bond (June 22, 2026) ("TCL RBPI").

⁸ Complainant's Responsive Submission on Remedy, Bonding, and the Public Interest (July 13, 2026) ("Compl. RBPI Resp."); Reply of Respondents TCL China Star Optoelectronics Technology Co., Ltd. and TTE Technology, Inc. (July 13, 2026) ("TCL RBPI Resp."); Reply Submission of Respondents Caihong Display Devices Co., Ltd. and Xianyang Caihong Optoelectronics Technology Co., Ltd. on Remedy, Bond, and the Public Interest (July 13, 2026) ("Caihong RBPI Resp. ").

Remedy, The Public Interest, And Bonding (June 24, 2026) (setting deadline for responsive briefs as July 13, 2026).

B. The Parties

1. Complainant

Complainant Corning Incorporated is a corporation located in Corning, New York. FID at 2. The FID explains that Complainant “designs and manufactures glass and glass products.” *Id.*

2. Respondents

Respondent Caihong is a Chinese corporation with a principal place of business in Xianyang City, Shaanxi Province, China. *Id.* The FID explains that Caihong is “in the business of manufacturing [liquid crystal display (“LCD”)] glass for use in the manufacturing of televisions.” *Id.* at 3. Caihong is the parent company of respondent CHOT. CHOT is a Chinese corporation with its principal place of business in Xianyang City, Shaanxi Province, China. *Id.* CHOT “manufactures and sells for importation certain LCD panels containing glass substrates to be incorporated into TVs.” *Id.* Respondent CSOT is a Chinese Corporation with its principal place of business in Shenzhen City, Guangdong Province, China. *Id.* CSOT “manufactures LCD panels for incorporation into TVs.” *Id.* Respondent TCL is a Delaware corporation with its principal place of business in Irvine, California. *Id.* TCL “sells for importation, imports, or sells after importation TVs that contain LCD glass.” *Id.*

C. The Asserted Patents

1. The '491 Patent

The '491 patent is titled “Fining of Boroalumino Silicate Glasses,” and issued on February 4, 2014. The '491 patent has an effective priority date of June 28, 2005, and expires on October 7, 2026. *Id.*; JX-0005.105. The FID explains that “[t]he '491 patent is directed to a

glass composition” that is manufactured “without the use of any detectable amounts of arsenic or antimony” to avoid environmental and health risks. FID at 3-4. Complainant previously explained that a key innovation of the claimed invention was an “increase in the proportion of magnesium oxide (MgO) and the adjustment of the ratio of alkaline earth oxides[.]” *Id.* (citing Complaint at ¶ 64).

Complainant asserts claims 3, 6, 8, and 12 against Respondents, which depend from unasserted independent claims 1 and 4. Complainant’s Post-Hearing Brief at 76, 80. The claims are as follows:

Claim	Claim Language														
1[pre]	An alkali-free glass for a downdraw process comprising in mole percent on an oxide basis:														
1[a]	<table> <tr> <td>SiO₂</td><td>64.0-71.0</td></tr> <tr> <td>Al₂O₃</td><td>9.0-12.0</td></tr> <tr> <td>B₂O₃</td><td>7.0-12.0</td></tr> <tr> <td>MgO</td><td>1.0-3.0</td></tr> <tr> <td>CaO</td><td>6.0-11.5</td></tr> <tr> <td>SrO</td><td>0-2.0</td></tr> <tr> <td>BaO</td><td>0-0.1</td></tr> </table>	SiO ₂	64.0-71.0	Al ₂ O ₃	9.0-12.0	B ₂ O ₃	7.0-12.0	MgO	1.0-3.0	CaO	6.0-11.5	SrO	0-2.0	BaO	0-0.1
SiO ₂	64.0-71.0														
Al ₂ O ₃	9.0-12.0														
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MgO	1.0-3.0														
CaO	6.0-11.5														
SrO	0-2.0														
BaO	0-0.1														
1[b]	wherein: (a) $1.00 \leq \Sigma [\text{RO}]/[\text{Al}_2\text{O}_3]$, where $[\text{Al}_2\text{O}_3]$ is the mole percent of Al₂O₃ and $\Sigma[\text{RO}]$ equals the sum of the mole percents of MgO, CaO, SrO, and BaO;														
1[c]	(b) the glass has the following compositional characteristics: (i) on an oxide basis, the glass comprises at most 0.05 mole percent As₂O₃; (ii) on an oxide basis, the glass comprises at most 0.05 mole percent Sb₂O₃; and (iii) on an oxide basis, the glass comprises at least 0.01 mole percent SnO₂; and														
1[d]	(c) the glass has a liquidus viscosity that is greater than or equal to 100,000 poise.														
3	The glass of claim 1 wherein, on an oxide basis, SrO is at most 1.0 mole percent.														

4	The glass of claim 1, wherein the glass has at least one of the following properties: (a) a density that is less than or equal to 2.41 grams/cm³, (b) a linear coefficient of thermal expansion (CTE) over the temperature range 0-300°C which satisfies the relationship: $28 \times 10^{-7}/^{\circ}\text{C} \leq \text{CTE} \leq 34 \times 10^{-7}/^{\circ}\text{C}$; (c) a liquidus temperature less than or equal to 1170°C.; (d) a strain point that is greater than or equal to 650°C.
6	The glass of claim 4 wherein the glass has properties (a) through (d).
8	The glass of claim 1 wherein, on an oxide basis, the glass comprises at most 0.15 mole percent SnO ₂ .
12	The glass of claim 1 wherein the downdraw process is a fusion process.

JX-0002 at cls. 1, 3, 4, 6, 8, 12.

2. The '498 Patent

The '498 patent is titled “Fining of Boroalumino Silicate Glasses,” and also issued on February 4, 2014. JX-0003. The '498 patent has an effective priority date of June 28, 2005, and expires on November 13, 2026. *Id.*; RX-0015C at Q/A 376. The '498 patent and the '491 patent issued as the result of a restriction requirement of a parent application, and share a common specification. The FID explains that “the '498 patent is directed to a method to manufacture glass . . . without the use of any detectable amounts of arsenic or antimony” to minimize “environmental and health risks.” FID at 3-4. Specifically, “during the glass manufacturing process, raw materials are melted at high temperatures and . . . this melting process can lead to the creation of gas bubbles[.]” *Id.* at 4. The FID further explains that the claimed invention adjusts the ratios of various alkaline earth oxides to remove glass bubbles and avoid defects in the final glass product. *Id.*

Complainant asserts claims 2, 3, 5, 6, and 9 against Respondents; each claim depends

from unasserted independent claim 1. Complainant's Post-Hearing Brief at 7, 35. The claims are as follows:

Claim	Claim Language
1[pre]	A method for producing alkali-free glass by a downdraw process comprising:
1[a]	(A) selecting, melting, and fining batch materials so that the glass making up the sheets comprises SiO ₂ , Al ₂ O ₃ , B ₂ O ₃ , MgO, and CaO, and
1[b]	on an oxide basis, has: (i) a $\Sigma[\text{RO}]/[\text{Al}_2\text{O}_3]$ ratio greater than or equal to 1.0, where $[\text{Al}_2\text{O}_3]$ is the mole percent of Al ₂ O ₃ and $\Sigma[\text{RO}]$ is the sum of the mole percents of MgO, CaO, SrO, and BaO; and
1[c]	(ii) a MgO content greater than or equal to 1.0 mole percent;
1[d]	(B) producing the glass sheets from the melted and fined batch materials; wherein: (a) on an oxide basis, the glass making up the glass sheets comprises at most 0.005 mole percent As ₂ O ₃ ;
1[e]	(b) on an oxide basis, the glass making up the glass sheets comprises at most 0.005 mole percent Sb ₂ O ₃ ; and
1[f]	(c) SnO ₂ is used in the fining and the glass making up the glass sheets has an SnO ₂ content which in mole percent on an oxide basis satisfies the relationship: $0.01 \leq \text{SnO}_2$; and
1[g]	(d) the glass making up the glass sheets has a liquidus viscosity that is greater than or equal to 100,000 poise.
2	The method of claim 1 wherein the glass making up the glass sheets has an SnO ₂ content which in mole percent on an oxide basis satisfies the relationship: $\text{SnO}_2 \leq 0.15$.
3	The method of claim 1 wherein the MgO content is between 1.2 and 2.8 mole percent.
5	The method of claim 1 wherein the glass making up the glass sheets has a density that is less than or equal to 2.41 grams/cm ³ .
6	The method of claim 1 wherein the glass making up the glass sheets has a linear coefficient of thermal expansion (CTE) over the temperature range 0-300°C. which satisfies the relationship: $28 \times 10^{-7}/^\circ\text{C} \leq \text{CTE} \leq 34 \times 10^{-7}/^\circ\text{C}$.
9	The method of claim 1 wherein the downdraw process is a fusion process.

JX-0003 at cls. 1, 2, 3, 5, 6, 9.

D. The Accused Products

The accused products are two different formulas of glass: the “615 Accused Products” and the “616 Accused Products.” FID at 4-5.⁹ Based on the parties’ prior agreement, “615 Accused Products” means “glass substrates for LCDs made with what respondent Caihong Display terms its ‘615 Formula,’ display panels containing the same, and electronic devices containing the same, which are TVs, monitors, notebook and laptop computers, and tablets.” *Id.* at 5 (quoting Joint Stipulation Regarding Representative Accused Products and Domestic Industry Products at 2). “616 Accused Products” means “glass substrates for LCDs made with what respondent Caihong Display terms its ‘616 Formula,’ display panels containing the same, and electronic devices containing the same, which are TVs, monitors, notebook and laptop computers, and tablets.” *Id.* The FID explains that the two glass formulas are “manufactured by Caihong Display and then sold to Respondents CHOT and CSOT. CHOT and CSOT incorporate the glass into LCD panels and then sell these LCD panels to manufacturers, such as TCL.” *Id.* at 4. The FID further explains that “TCL incorporates the LCD panels into downstream products, such as televisions, which are then imported into the United States.” *Id.*

E. The Domestic Industry Product

The parties stipulated that Complainant’s “DI Product” is EAGLE XG® Glass, regardless of its size and thickness, and is representative of all DI products in this investigation. *Id.* at 6. Complainant further explained in its post-hearing brief that “each DI Product has the same composition and is made by the same manufacturing process, including that the glass sheets are made by a fusion downdraw process.” Complainant’s Post-Hearing Brief at 3.

⁹ The parties also use the terms “615 Glass” interchangeably with “615 Accused Products,” as well as “616 Glass” interchangeably with “616 Accused Products.”

III. COMMISSION REVIEW OF THE FINAL ID

When the Commission reviews an initial determination, in whole or in part, it reviews the determination *de novo*. *Certain Electronic Stud Finders, Metal Detectors and Electrical Scanners*, Inv. No. 337-TA-1221, Comm’n Op. at 9 (Feb. 15, 2022) (citations omitted), *aff’d*, *Zircon Corp. v. Int’l Trade Comm’n*, 101 F.4th 817 (Fed. Cir. 2024). Upon review, the “Commission has ‘all the powers which it would have in making the initial determination,’ except where the issues are limited on notice or by rule.” *Certain Electronic Devices, Including Streaming Players, Televisions, Set Top Boxes, Remote Controllers, and Components Thereof* (“*Streaming Players*”), Inv. No. 337-TA-1200, Comm’n Op. at 7 (Nov. 10, 2021) (citations omitted), *aff’d*, *Roku, Inc. v. Int’l Trade Comm’n*, 90 F.4th 1367 (Fed. Cir. 2024). With respect to the issues under review, “the Commission may affirm, reverse, modify, vacate, or remand for further proceedings, in whole or in part, the initial determination of the administrative law judge.” 19 C.F.R. § 210.45(c). The Commission also “may take no position on specific issues or portions of the initial determination,” and “may make any finding or conclusions that in its judgment are proper based on the record in the proceeding.” *Id.*; *see also Beloit Corp. v. Valmet Oy*, 742 F.2d 1421, 1423 (Fed. Cir. 1984).

IV. ANALYSIS

The Commission’s findings, conclusions, and supporting analysis follow. The Commission affirms and adopts the ID’s findings, conclusions, and supporting analysis that are not inconsistent with the Commission’s opinion.

A. Indefiniteness

Patent claims are required to “provide objective boundaries for those of skill in the art,” and a claim term is indefinite if it “might mean several different things and no informed and confident choice is among the contending definitions.” *Interval Licensing LLC v. AOL, Inc.*, 766

F.3d 1364, 1371 (Fed. Cir. 2014); *see also* 35 U.S.C. § 112, ¶ 2. (“The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.”). The Supreme Court has further held that section § 112, ¶ 2 requires “that a patent’s claims viewed in light of the specification and prosecution history inform those skilled in the art about the scope of the invention with reasonable certainty.” *Nautilus, Inc. v. Biosig Instruments, Inc.*, 572 U.S. 898, 910 (2014).

Respondents argued before the ALJ that the claim term “mole percent on an oxide basis,” as used in both Asserted Patents, is indefinite because a skilled artisan “would not know how to measure or calculate a value for the claimed $\Sigma[\text{RO}]/[\text{Al}_2\text{O}_3]$ ratio with reasonable certainty.” Respondents’ Post-Hearing Brief at 17; FID at 39. Respondents explained that testing from Complainant’s expert, Dr. Martin, led to infringement, while testing by Respondents’ experts led to noninfringement. FID at 40. Thus, Respondents contended, because “a determination of infringement depends on which testing method is used,” the term “mole percent on an oxide basis” is indefinite. *Id.* The FID finds that Respondents have not shown that the term is indefinite, based on its finding that Dr. Martin’s test results are unreliable.¹⁰ *Id.* Accordingly, the FID concludes that “Respondents have not shown, in this investigation, a situation in which one type of testing results in infringement, while the other type of testing results in noninfringement.” *Id.*

¹⁰ The FID explains that “the manner in which Dr. Martin disclosed his opinion obscures the fact that one of his testing methods would result in noninfringement.” *Id.* at 31. The FID finds that the expert’s “failure to be direct and forthcoming about [testing results] impacts Dr. Martin’s credibility.” *Id.* The FID also finds that Dr. Martin “did not provide convincing testimony that the results of his [testing] were more accurate.” *Id.* at 32. The FID’s credibility determination is one of the bases for finding that Complainant failed to prove that the 616 Accused Products do not infringe any asserted claims of either the ’491 patent or the ’498 patent. *Id.* at 35-36; 90-91.

In their petition for review, Respondents argued that the FID errs by failing to consider all of Respondents' arguments and explained that their indefiniteness theories "did not hinge solely on a comparison between Respondents' reliable testing results and Dr. Martin's unreliable testing results." PFR at 11.¹¹ Respondents also argued that the FID "fail[s] to consider indefiniteness based on the variability of Respondents' expert testimony." *Id.*

On review, the Commission affirms the FID's finding that the claim term "mole percent on an oxide basis" is not indefinite. The Commission supplements the FID to further address Respondents' arguments that the specification discloses two ways to measure mole percent on an oxide basis, and that the testing by Respondents' various experts produced variable results based on the type of testing conducted. The Commission also provides additional reasoning in support of its finding that the claim term is not indefinite.

The Federal Circuit has held that the existence of more than one measurement technique does not automatically render a claim term indefinite when the property being measured is otherwise understood. *See Ethicon Endo-Surgery, Inc. v. Covidien, Inc.*, 796 F.3d 1312, 1319 (Fed. Cir. 2015) ("If . . . an understanding of how to measure the claimed [property] was within the scope of knowledge possessed by one of ordinary skill in the art, there is no requirement for the specification to identify a particular measurement technique"); *Takeda Pharm. Co. Ltd. v. Zydus Pharms. USA, Inc.*, 743 F.3d 1359, 1367 (Fed. Cir. 2014) ("That there is more than one way of determining the average particle diameter of a particular sample does not render that clear claim language indefinite."). Similarly, courts have held that different results produced by different testing protocols do not create an indefiniteness issue. *See, e.g., Kaneka Corp. v.*

¹¹ Respondents' arguments are made with respect to the '498 patent. PFR at 10-14. Respondents indicate that the claim term "mole percent on an oxide basis" as used in the '491 patent is "indefinite for the reasons discussed" with respect to the '498 patent. *Id.* at 38.

Designs for Health Inc., 2025 WL 1684677, at *4 (D. Del. June 16, 2025) (“[T]he fact that two different testing protocols may produce different results creates only an issue of infringement. It does not create an issue of claim indefiniteness”).

Here, Respondents have not argued that a skilled artisan would not know what “mole percent on an oxide basis” means. Respondents have also failed to discuss the intrinsic record related to this claim limitation. *See Nautilus*, 572 U.S. at 910. Their arguments are directed only to variability in testing methodology and results, but without any discussion as to why any purported variability between testing methods or testing results amounts to claim indefiniteness. The Commission finds that simply disclosing more than one method of testing in the specification is not sufficient to render a claim term indefinite, especially where, as here, Respondents failed to provide supporting evidence that the different testing methods produced materially different results. Respondents’ own demonstrative, which includes batch calculation values and measured values, appears to show that both the calculated batch value and the measured values are within close range:



██████████ Respondents' batch calculation value of ██████ appears to be squarely within the ██████ and ██████ range of Respondents' measured calculations. *Id.*¹² Respondents did not explain why any variation between the batch calculation and the measured calculations, or variation within the measured calculations, is material. *See* PFR at 12-14. Respondents also did not explain why any variability between the batch calculation and the measured values, or variability within Respondents' measured values, raises a claim indefiniteness issue rather than solely a matter of claim infringement. Respondents do not argue that a skilled artisan would not understand how to measure "mole percent on an oxide basis" with either measurement technique,

¹² The Commission adopts the FID's credibility findings related to Dr. Martin's testing and testimony, and accordingly does not consider Complainant's measured value of ██████. However, even if the Commission were to consider this value, Respondents still fail to explain why that particular measurement raises an issue of claim indefiniteness, rather than an issue of infringement.

[REDACTED]

nor do Respondents argue that the existence of two measurement techniques, or any purportedly variable testing results, would obscure the meaning of the claim term “mole percent on an oxide basis.”

Accordingly, the Commission finds that Respondents have not shown by clear and convincing evidence that the claim term “mole percent on an oxide basis” is indefinite.

B. Economic Prong of the Domestic Industry Requirement

When a section 337 investigation is based on allegations of patent infringement, the complainant must show that “an industry in the United States, relating to the articles protected by the patent . . . exists or is in the process of being established.” 19 U.S.C. § 1337(a)(2). “[A]n industry is considered to exist if there is in the United States, with respect to the articles protected by the patent . . . concerned –

- (A) significant investment in plant and equipment;
- (B) significant employment of labor or capital; or
- (C) substantial investment in its exploitation, including engineering, research and development, or licensing.” 19 U.S.C. § 1337(a)(3).

Complainant relied on expenditures made with respect to labor at two facilities: the [REDACTED] and the Sullivan Park Research Facility (“Sullivan Park”), both located in New York. FID at 115. The FID explains that approximately [REDACTED]

[REDACTED]¹³ although the glass itself is manufactured outside of the United States. *Id.* at 115, 115 n.50. [REDACTED]

[REDACTED] to other facilities. *Id.* at 116. Sullivan Park

¹³ [REDACTED]

Id. at 116 n.51

is Complainant's "primary research, development, and engineering facility" in the United States, and the research conducted there includes "[REDACTED]"

[REDACTED]

EAGLE XG Glass." *Id.* at 116-17. The record demonstrates that, between 2022 and 2024, Complainant employed between [REDACTED], and between [REDACTED] employees at Sullivan Park. *Id.* at 118-19. The record also shows that, between 2022 and 2024, Complainant invested [REDACTED] in salaries, wages, and benefits for [REDACTED], and [REDACTED] in salaries, wages, and benefits for Sullivan Park employees. *Id.* at 118.

Complainant also asserted that "approximately [REDACTED] of [Complainant's] investments in labor worldwide for the EAGLE XG Glass occurs at [REDACTED] and Sullivan Park." *Id.* at 126. The FID notes that Respondents did not dispute that Complainant's [REDACTED] figure is significant. *Id.* at 127. Accordingly, the FID finds that Complainant's DI investments are quantitatively significant. *Id.* at 126-30.

The FID also finds that Complainant's labor investments are qualitatively significant. *Id.* The FID cites testimony that "[REDACTED]"

[REDACTED]

[REDACTED],” and that Sullivan

Park conducts projects [REDACTED]

[REDACTED]

[REDACTED] *Id.* at 124-25. The FID rejects Respondents' argument that [REDACTED] activities are not significant because [REDACTED]

[REDACTED] finding that this “does not diminish the significance of the work performed domestically.” *Id.* at 125. For example, the FID

finds, Complainant’s witness “repeatedly testified that the work performed at [REDACTED] without the investments in labor conducted at [REDACTED] and Sullivan Park. *Id.* Furthermore, the FID finds that [REDACTED] is “[REDACTED] and it is [REDACTED] *Id.*

Based on its findings of quantitative and qualitative significance, the FID finds that Complainant satisfied the economic prong of the DI requirement under subparagraph 337(a)(3)(B). *Id.* at 114, 131.¹⁴

On review, the Commission affirms the FID’s finding that Complainant has satisfied the economic prong of the DI requirement for both Asserted Patents under section 337(a)(3)(B) based on the facts as summarized in the FID. However, the Commission considers what the FID breaks into determinations of “quantitative significance” and “qualitative significance” together as an integrated analysis of whether Complainant’s investments, based on a holistic review of all relevant considerations, satisfy the DI requirement. *Wuhan Healthgen Biotechnology Corp. v. Int’l Trade Comm’n*, 127 F.4th 1334, 1338 (Fed. Cir. 2025) (citing *Lelo Inc. v. Int’l Trade Comm’n*, 786 F.3d 879, 883 (Fed. Cir. 2015)); see *Certain Semiconductor Devices and Products Containing the Same*, Inv. No. 337-TA-1414, Comm. Op. at 38 (May 7, 2026) (considering significance as an integrated analysis under *Wuhan*).

¹⁴ Respondents did not petition for a review of the FID’s economic prong findings. The Commission determined to review the FID’s economic prong findings on its own initiative to clarify that it performs a holistic review of all relevant considerations in its DI analysis, and to further clarify that Complainant’s investments were made with respect to the protected article, as required by the statute.

[REDACTED]

Here, the Commission finds Complainant's investments in labor to be significant based upon a holistic review of the record, including the number of full-time employees in the United States, the necessity of those employees' labor in researching, developing, and manufacturing EAGLE XG glass, and the amount Complainant invested in labor expenses. Complainant's employees include highly skilled [REDACTED]s whose work was described as "critical" to the manufacture of EAGLE XG Glass. *See* FID at 125. The Commission notes that the record contains testimony underscoring the importance of the labor conducted at both [REDACTED] and Sullivan Park, establishing that EAGLE XG Glass could not be [REDACTED] without the labor conducted by the employees in the United States. The Commission also notes that Respondents, who withdrew their DI expert, provide no rebuttal evidence, and do not dispute that Complainant has satisfied the economic prong of the DI requirement.

The Commission also finds that Complainant's investments in labor used to [REDACTED] [REDACTED] EAGLE XG glass are investments made with respect to the articles protected by the patent, as required by section 337, even though the investments are not made directly to manufacture EAGLE XG glass. The FID credits testimony from Complainant that "without these systems, [Complainant] could not produce EAGLE XG Glass." *Id.* at 115.

In addition, [REDACTED]
[REDACTED] *Id.*

Thus, even if the glass itself is manufactured overseas, the record shows that EAGLE XG could not be manufactured without [REDACTED] domestically. The Federal Circuit has affirmed the Commission's past decisions crediting investments that were not directly in the articles protected by the patent but were still sufficiently

connected or “with respect to” those articles. *See generally Apple Inc. v. Int’l Trade Comm’n*, 169 F.4th 1363, 1379-80 (Fed. Cir. 2026) (affirming decision to credit investments in early prototypes of patented feature as investments “with respect to” the articles).

Accordingly, the Commission finds that Complainant has satisfied the DI requirement based upon significant investment in labor under subsection 337(a)(3)(B).

Based on the preceding discussion, the Commission finds that Complainant has shown a violation of section 337 by Respondents with respect to the asserted claims of both the ’491 patent and the ’498 patent.

V. REMEDY, THE PUBLIC INTEREST, AND BONDING

A. Remedy

The Commission has “broad discretion in selecting the form, scope, and extent of the remedy.” *Philip Morris Products S.A. v. Int’l Trade Comm’n*, 63 F.4th 1328, 1339-1340 (Fed. Cir. 2023).

1. Limited Exclusion Order

Section 337(d)(1) provides that:

If the Commission determines, as a result of an investigation under this section, that there is a violation of this section, it shall direct that the articles concerned, imported by any person violating the provision of this section, be excluded from entry into the United States, unless, after considering the [public interest], it finds that such articles should not be excluded from entry.

19 U.S.C. § 1337(d)(1).

The RD recommends issuing an LEO barring entry of Respondents’ products, noting that “[t]he parties agree that a limited exclusion order is appropriate if the Commission finds a violation of section 337.” RD at 133. Respondents argued before the ALJ that “certain products should be excluded from the LEO or that they should be permitted to certify that certain imported products are not covered by the LEO,” including “all LCD panel models manufactured

by CSOT that have not been proven to be made using Caihong glass,” “all TCL TV models identified that contain LCD panels provided by panel suppliers other than CSOT, or that contain LCD panel models provided by CSOT that have not been proven to be made from Caihong glass,” and “any non-TV TCL products.” *Id.* The RD declines to recommend these three carve-outs because the FID does “not adjudicate whether any CSOT panels with glass other than the 615 Glass or 616 Glass infringe each patent . . . [nor] whether panels made by entities other than CSOT infringe the patents.” *Id.* at 134. The RD also recommends declining Respondents’ request that the Commission delay enforcement of any LEO for a period of six months “to permit transition away from any infringing Caihong glass.” *Id.* The RD recommends that the LEO include a standard certification provision. *Id.*

Complainant reiterates that the RD “correctly declined to recommend any products containing Caihong 615 Glass be excluded from a remedial order because none were adjudicated to be non-infringing in this investigation.” Compl. RBPI at 7. Complainant also argues that the LEO “should take immediate effect” because other glassmakers could fill any need left by exclusion of infringing glass, and also because the Asserted Patents expire shortly after the end of the Presidential review period. *Id.* at 8.¹⁵ Finally, Complainant requests that the standard certification provision include a marking requirement, as “the differences in composition between the 615 Glass and the 616 Glass are not discernable by visual inspection.” *Id.* at 9.

Caihong and CHOT initially argued that an LEO with a standard certification provision is appropriate if the Commission finds a violation. Caihong RBPI at 18. In their reply brief on remedy, the public interest, and bonding, however, Caihong and CHOT argue that “[i]ssuing an

¹⁵ The ’491 patent expires on October 7, 2026, and the ’498 patent expires on November 13, 2026. This argument assumes that the period of Presidential review ends on October 6, 2026.

LEO against a product that no longer exists and will not exist when the order could be enforced serves no remedial purpose, particularly given the impending expiration of the patents.”

Caihong RBPI Resp. at 6. TCL and CSOT also argue that “[a]n LEO in this investigation would . . . have no meaningful commercial effect since there is no practical chance that a TCL device containing a CSOT LCD panel that includes the allegedly infringing 615 glass will be imported into the United States in October or November [2026].” TCL RBPI at 8.

Respondents also reiterate their requests to explicitly exempt from the LEO products not adjudicated as infringing, as well as products made using 616 Glass. *Id.* at 9; *see also* Caihong RBPI at 6. Caihong and CHOT also argue that Complainant has waived any request for a marking requirement by not raising it before the ALJ. Caihong RBPI Resp. at 3. TCL and CSOT argue that a marking requirement at this stage is impossible because any products containing an LCD panel that would be imported into the United States between the target date and the latest expiration date of the Asserted Patents has already been manufactured and incorporated into downstream products, and can no longer be marked. TCL RBPI Resp. at 3.

The Commission has determined to issue an LEO, including a standard certification provision, covering the Respondents’ infringing 615 Accused Products and expressly excluding the 616 Accused Products, which are adjudicated as non-infringing. Section 337 requires that, “[i]f the Commission determines . . . that there is a violation of this section, it *shall* direct that the articles concerned . . . be excluded from entry into the [United States],” subject to the public interest factors. 19 U.S.C. § 1337(d)(1). The parties did not dispute before the ALJ that an LEO is appropriate if the Commission finds a violation of section 337 in this investigation. *See* FID at 133. If, as Respondents now argue, all products have been replaced by the non-infringing 616 Accused Products, then those non-infringing 616 products will not be excluded. Moreover,

Respondents did not dispute that the infringing 615 Accused Products previously had been imported. FID at 8. Even if Respondents have now switched to the non-infringing 616 Glass formulation, that alone does not clearly establish that inventory containing 615 Glass no longer exists or is no longer being imported, and Respondents cite to no evidence in support of that assertion.

The Commission finds that Complainant's request for a marking requirement is impractical and unnecessary here. TCL and CSOT explain that any LCD panels that would be imported between the target date and the latest expiration date of the Asserted Patents (November 13, 2026) have already been manufactured and placed into downstream products and therefore can no longer be marked. Furthermore, the Asserted Patents will expire shortly after the period of Presidential review ends, which lessens the need for adding a marking requirement beyond the standard certification provision.

The Commission also agrees with the RD's recommendation to not explicitly exempt any products that were not adjudicated as non-infringing, including products of non-Respondents. As the RD explains, only products with 615 Glass or 616 Glass were adjudicated in this investigation. RD at 134. Per long-standing practice, Commission remedial orders cover infringing articles that are within the scope of the order unless those articles are expressly adjudicated as non-infringing by the Commission or CBP. *See Hyundai Elecs. Indus. Co. v. Int'l Trade Comm'n*, 899 F.2d 1204, 1210 (Fed. Cir. 1990) (upholding the Commission's practice of "shift[ing] to would-be importers of potentially infringing articles, as a condition of entry, the burden of establishing noninfringement" and "placing the risk of unfairness associated with a prophylactic order upon potential importers rather than American manufacturers"). The LEO

exempts only products containing 616 Glass because those products were explicitly adjudicated as non-infringing. There is no basis for the other carve-outs Respondents seek.

2. Cease and Desist Order

Section 337(f)(1) provides that in addition to, or in lieu of, the issuance of an exclusion order, the Commission may issue a CDO as a remedy for violation of section 337. *See* 19 U.S.C. § 1337(f)(1). CDOs are generally issued when, with respect to the imported infringing products, respondents maintain commercially significant inventories in the United States or have significant domestic operations that could undercut the remedy provided by an exclusion order. *See, e.g., Certain Tobacco Heating Articles and Components Thereof*, Inv. No. 337-TA-1199, Comm’n Op. at 49 (Sept. 29, 2021), *aff’d*, *Philip Morris Products S.A.*, 63 F.4th at 1332; *Certain Audio Players and Controllers, Components Thereof, and Products Containing Same*, Inv. No. 337-TA-1191, Comm’n Op. at 26 (Jan. 6, 2022), *aff’d*, *Sonos, Inc. v. Int’l Trade Comm’n*, 2024 WL 1507605 (Fed. Cir. Apr. 8, 2024). Complainants bear the burden on this issue. “A complainant seeking a cease and desist order must demonstrate, based on the record, that this remedy is necessary to address the violation found in the investigation so as to not undercut the relief provided by the exclusion order.” *Tobacco Heating Articles*, Comm’n Op. at 49-50 (citations omitted); *Audio Players*, Comm’n Op. at 26-27 (citations omitted); *see also* H.R. REP. No. 100-40, at 160 (1987) (authorizing the Commission to issue both cease and desist orders and limited exclusion orders).

Complainant requested a CDO against only TCL. RD at 135. The RD notes that “TCL entered into a stipulation related to inventory and agreed not to take a position regarding whether the identified inventory is commercially significant.” *Id.* (citing CX-0847C). However, the RD finds that Complainant nevertheless “makes no effort to meet its burden,” and does not “provide inventory totals specific to TCL . . . total inventory for each model number, or introduce any

evidence to demonstrate that such levels are significant in the context of this investigation.” *Id.* at 135-36. The RD also finds that Complainant does not “indicate how many of the TVs in the United States contain 615 Glass (if any), as opposed to 616 Glass.” *Id.* at 136. Accordingly, the RD does not recommend that a CDO should issue against TCL.

The Commission has determined to issue a CDO against TCL.¹⁶ The record shows that TCL maintains a commercially significant inventory of certain TVs that necessarily contain the infringing 615 Glass. CX-0847C (TCL stipulation identifying inventory); CX-1077C.10-11 (Respondents’ interrogatory response identifying timing of glass formulations). Complainant argues that “all TV models identified in TCL’s stipulation contain Caihong glass . . . and the TCL TV models imported in 2024 necessarily incorporate infringing 615 Glass because they used panels with Caihong glass from panel-makers to whom Caihong sold only 615 Glass during that time.” Compl. RBPI at 11. Complainant also identifies two TV models, collectively having over 40,000 units of inventory in the United States, that use panels that necessarily include 615 Glass. *Id.* at 11-12. Complainant also reiterates that TCL stipulated that it would not take a position on whether any identified inventory is commercially significant and argues that this stipulation is “strong evidence that, if TCL were permitted to continue selling its domestic inventory, those sales would ‘undercut the relief provided by the exclusion order.’” *Id.* at 13 (citing *Certain Elec.*

¹⁶ While showing that a CDO is necessary is a complainant’s burden, the Commission notes that neither of Respondents’ post-hearing briefs address whether the Commission should issue a CDO to TCL. *See generally* Respondent’s Opening Post-Hearing Brief at 102-05 (Jan. 20, 2026) (discussing only LEO and bond); Respondents’ Responsive Post-Hearing Brief at 51-53 (Jan. 30, 2026) (discussing only LEO and bond). TCL’s and CSOT’s opening brief on remedy, the public interest, and bonding also does not address whether the Commission should issue a CDO. *See generally* TCL RBPI. TCL and CSOT did not address Complainant’s request for a CDO until their responsive brief on remedy, the public interest, and bonding, after which Complainant could not respond. *See* TCL RBPI Resp. at 5-7; *see also* Compl. RBPI Resp. at 9-10 (arguing that “[i]t would be prejudicial to [Complainant] for TCL to attempt to raise a new argument against [a] CDO only in its response”).

Skin Care Devices, Brushes and Chargers Therefor, and Kits Containing the Same, Inv. No. 337-TA-959, Comm’n Op., 2017 WL 8683854, at *15 (Feb. 13, 2017)).

TCL argues that the units of inventory Complainant cited were sold by the end of 2025 “based on TCL’s normal inventory turnover,” and that TCL now has zero units of infringing inventory. TCL RBPI Resp. at 6. However, an assertion based on only “normal inventory turnover” is insufficient to rebut the evidence regarding TCL’s domestic inventory of TVs that necessarily contain 615 Glass, including TCL’s own stipulation. If TCL had already sold all units of TVs that contained 615 Glass and had imported no additional infringing products into its inventories, TCL should have introduced evidence into the record establishing the absence of infringing inventories.

B. Public Interest

Section 337 requires the Commission, upon finding a violation of section 337, to issue an LEO “unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.” 19 U.S.C. § 1337(d)(1). Similarly, the Commission must consider these public interest factors before issuing a CDO. 19 U.S.C. § 1337(f)(1).

Under appropriate facts and circumstances, the Commission may determine that no remedy should issue because of the adverse impacts on the public interest. *See, e.g., Certain Fluidized Supporting Apparatus & Components Thereof*, Inv. Nos. 337-TA-182/188, USITC Pub. 1667, Comm’n Op. at 1-2, 23-25 (Oct. 1984) (finding that the public interest warranted denying complainant’s requested relief); *see Philip Morris Products S.A.*, 63 F.4th at 1339-1340 (the Commission has “wide latitude for judgment and the courts will not interfere except where the remedy selected has no reasonable relation to the unlawful practices found to exist”) (citation

omitted). Moreover, when the circumstances of a particular investigation require, the Commission has tailored its relief in light of the statutory public interest factors. For example, the Commission has allowed continued importation for ongoing medical research, exempted service parts, grandfathered certain infringing products, and delayed the imposition of remedies to allow affected third-party consumers to transition to non-infringing products. *E.g.*, *Certain Microfluidic Devices*, Inv. No. 337-TA-1068 Comm’n Op. at 1, 22-48, 53-54 (analyzing the public interest, discussing applicable precedent, and ultimately issuing a tailored LEO and a tailored CDO); *Certain Road Milling Machines & Components Thereof*, Inv. No. 337-TA-1067, Comm’n Op. at 32-33 (July 18, 2019) (exempting service parts); *Certain Baseband Processor Chips & Chipsets, Transmitter, & Receiver (Radio) Chips, Power Control Chips, & Prods. Containing Same, Including Cellular Tel. Handsets*, 337-TA-543, USITC Pub. No. 4258, Comm’n Op. at 150-151 (Oct. 2011) (grandfathering certain products); *Certain Personal Data & Mobile Comm’n Devices & Related Software*, 337-TA-710, USITC Pub. No. 4331, Comm’n Op., at 72-73, 80-81 (June 2012) (delaying imposition of remedy).

The statute requires the Commission to consider and make findings on the public interest in every case in which a violation is found regardless of the quality or quantity of public interest information supplied by the parties. 19 U.S.C. § 1337(d)(1), (f)(1). Thus, the Commission publishes a notice inviting the parties as well as interested members of the public and interested government agencies to gather and present evidence on the public interest at multiple junctures in the proceeding. 19 U.S.C. § 1337(d)(1) & (f)(1).

1. Public Health and Welfare

Complainant argues that there are no public health, safety, or welfare concerns that would result from the remedial orders because the products are “consumer downstream products” and

components of consumer downstream products. Compl. RBPI at 18. Complainant also argues that the devices are “not medical or safety instruments,” and accordingly, “public health and welfare considerations do not warrant denial or modification of the remedies.” *Id.* Respondents do not address this factor in any of their submissions.

The Commission finds that issuing remedial orders will not implicate any public health, safety, or welfare concerns. The Commission further finds that the particular products at issue in this investigation are consumer downstream products such as laptops, tablets, and televisions, which have not been shown to implicate any public health or welfare considerations on this record.

2. Competitive Conditions in the United States; Production of Like or Directly Competitive Articles in the United States

Complainant addresses these factors together. Complainant argues that its “LCD glass substrates could replace Caihong LCD glass in all products covered by the requested remedies, in terms of both technical compatibility and production capacity.” *Id.* at 19. Complainant also argues that other glass substrate manufacturers “will continue to provide options for replacing LCD glass substrate products impacted by the requested remedies.” *Id.* Complainant also states that “[t]here is no commercial scale manufacture of the relevant LCD substrates or LCD panels in the U.S., nor the end-user electronics incorporating LCD panels.” *Id.* Respondents do not address these factors in any of their submissions.¹⁷

The Commission finds that issuing remedial orders will not impact competitive conditions in the United States or the production of like or directly competitive articles in the

¹⁷ Respondents argued only that there would be a “disruption to the existing supply chain” should the Commission overturn the FID’s finding that the 616 Accused Products do not infringe any claims of the Asserted Patents and the remedial orders apply to products containing 616 Glass. Resp. PI Statement at 4. However, the Commission determined not to review that finding, and accordingly, Respondents’ argument is moot.

United States. There is no commercial-scale manufacture of the relevant LCD products in the United States. Furthermore, Complainant and other glass substrate manufacturers can replace Caihong's LCD glass in all products covered by the requested remedies, and Respondents have not argued otherwise. In addition, the Commission has exempted the non-infringing 616 Accused Products from the scope of the remedial orders, and accordingly, those products will continue to remain available to consumers.

3. United States Consumers

Complainant argues that the requested remedial orders would not adversely affect U.S. consumers because Complainant “has sufficient capacity and there are alternative and authorized sources to meet demand resulting from the remedies requested in this investigation.” *Id.* at 20. For the same reasons as discussed *supra* in Section V.B.2, the Commission finds that issuing remedial orders will not impact United States consumers.

C. Bonding

If the Commission enters an LEO or a CDO, a respondent may continue to import and sell its products during the 60-day period of Presidential review under a bond in an amount determined by the Commission to be “sufficient to protect the complainant from any injury.” 19 U.S.C. § 1337(j)(3); see also 19 C.F.R. § 210.50(a)(3). When reliable price information is available in the record, the Commission has often set the bond in an amount that would eliminate the price differential between the domestic product and the imported, infringing product. *See Streaming Players*, Comm’n Op. at 41-42 (citations omitted); *Tobacco Heating Articles*, Comm’n Op. at 77 (citations omitted). The Commission also has used a reasonable royalty rate to set the bond amount where a reasonable royalty rate could be ascertained from the evidence in the record. *See, e.g., id.* Where the record establishes that the calculation of a price differential

is impractical or there is insufficient evidence in the record to determine a reasonable royalty, the Commission has imposed a 100 percent bond. *See, e.g., id.*

The RD recommends that the Commission set a bond in the amount of zero percent (0%). RD at 137. The RD finds that Complainant argued only that “the accused glasses compete with [the DI glass] in the U.S.,” but “does not . . . cite to any evidence in support of its statements.” *Id.*

The Commission has determined to set the bond in the amount of zero percent (0%) during the period of Presidential review. The Commission notes that Complainant argues that a bond of 100 percent should issue against Caihong because Caihong and Complainant are “direct competitors,” and also argues that a bond of 100 percent should issue against CHOT, CSOT, and TCL because “determination of a price differential is impractical” as Complainant’s DI glass product “does not compete with the panel and device makers’ accused products.” Compl. RBPI at 15-16. The Commission finds both arguments unpersuasive. Regarding Caihong, the mere assertion that Caihong is a direct competitor does not automatically demonstrate what harm would be inflicted on Complainant as a result of Caihong’s activities during the period of Presidential review without further supporting evidence. As to CHOT, CSOT, and TCL, Complainant presents only conclusory attorney argument that a price differential is “impractical,” but admits that EAGLE XG glass “does not compete with the panel and device makers’ accused products.” Compl. RBPI at 16. Accordingly, the Commission finds that Complainant has failed to make any showing of harm absent a bond, as to any of Respondents.

VI. CONCLUSION

For the reasons set forth herein, the Commission determines that Complainant has established a violation of section 337 by Respondents with respect to claims 3, 6, 8, and 12 of the

'491 patent and claims 2, 3, 5, 6, and 9 of the '498 patent. Accordingly, the investigation is terminated with a finding of violation of section 337. The Commission determines that the appropriate remedy is an LEO as to each Respondent's infringing products, and a CDO as to TCL. The Commission determines that that the public interest factors do not preclude issuance of the remedial orders. The Commission sets a bond in the amount of zero percent (0%) of the entered value of infringing products imported during the period of Presidential review.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', enclosed within a large, loopy oval shape.

Lisa R. Barton
Secretary to the Commission

Issued: August 13, 2026