

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

Before the Honorable MaryJoan McNamara
Administrative Law Judge

In the Matter of

CERTAIN ACTIVE MATRIX OLED
DISPLAY DEVICES AND COMPONENTS
THEREOF

Investigation No. 337-TA-1225

COMPLAINANT'S UNOPPOSED MOTION TO TERMINATE THE
INVESTIGATION IN ITS ENTIRETY BASED ON WITHDRAWAL OF
COMPLAINT AND TO STAY THE PROCEDURAL SCHEDULE
AND
REQUEST FOR EXPEDITED TREATMENT

Pursuant to Commission Rule 210.21(a)(1), Complainant Solas OLED Ltd. ("Complainant" or "Solas") respectfully moves to terminate the Investigation in its entirety based on withdrawal of the Complaint. Complainant also moves to stay all deadlines in procedural schedule pending a ruling in the motion to terminate, as well as the Commission review of the same, in order to avoid expenditure of substantial resources by the parties and the Administrative Law Judge. Finally, Complainant requests expedited treatment given the impending deadlines in the procedural schedule.

GROUND RULE 2.2 CERTIFICATION

On November 4, 2020, pursuant to Ground Rule 2.2, Solas provided notice of its intent to file this motion to terminate. All Respondents indicated that they do not oppose this motion. The Staff also indicated that it does not oppose this motion but reserves its position upon review of the papers.

LG Display
Exhibit 1026

I. DISCUSSION

Commission Rule 210.21(a)(1) provides in part that: “[a]ny party may move at any time prior to the issuance of an initial determination on violation of section 337 of the Tariff Act of 1930 to terminate an investigation in whole or in part as to any or all respondents, on the basis of withdrawal of the complaint or certain allegations contained therein” 19 C.F.R. § 210.21(a)(1). The Commission has stated that “[i]n the absence of extraordinary circumstances, termination of an investigation will be readily granted to a complainant during the prehearing stage of an investigation.” *Certain Microfluidic Sys. & Components Thereof & Prods. Containing Same*, Inv. No. 337-TA-1100, Order No. 27 at 1 (Dec. 10, 2018) (citing *Certain Television Sets, Television Receivers, Television Tuners, & Components Thereof*, Inv. No. 337-TA-910, Order No. 50 (Nov. 12, 2014)); *see also* *Certain Subsea Telecommunications Sys. & Components Thereof*, Inv. No. 337-TA-1098, Order No. 52 (Dec. 6, 2018); *Certain Memory Modules & Components Thereof*, Inv. No. 337-TA-1089, Order No. 27 at 2 (Dec. 6, 2018); *Certain Toner Cartridges & Components Thereof*, Inv. No. 337 TA-1106 Order No. 33 (Nov. 26, 2018). Here, the initial determination on violation has not yet been issued. The investigation is currently in the prehearing stage and parties are yet to serve discovery responses. Furthermore, public policy supports termination of the withdrawn complaint in order to conserve public and private resources. *See Certain Modular LED Display Panels & Components Thereof*, Inv. No. 337-TA-1114, Order No. 23 at 2–3 (Oct. 24, 2018); *Certain Road Construction Machs. & Components Thereof*, Inv. No. 337-TA-1088, Order No. 38 (Oct. 16, 2018).

In addition, in order to avoid unnecessary expenditure of resources by the private parties, Commission Investigative Staff, and the Administrative Law Judge, Complainant moves to stay the procedural schedule pending the Administrative Law Judge’s review of this motion and

Commission review of any ruling on this motion to terminate. There is good cause to grant this motion to terminate and to grant an immediate stay of the procedural schedule pending a ruling from the Administrative Law Judge on the motion to terminate the Investigation. *See, e.g., Certain Muzzle-Loading Firearms & Components Thereof*, Inv. No. 337-TA-777, Order No. 24 at 2 (Nov. 30, 2011) (granting motion to suspend the procedural as to certain respondents pending a ruling on a motion to terminate because “[s]everal events are set to occur shortly in this matter); *Certain Devices for Mobile Data Commc’n*, Inv. No. 337-TA-809, Order No. 60, at 2 (Oct. 12, 2012) (suspending the procedural schedule pursuant to Complainant’s request); *Certain Coupler Devices for Power Supply Facilities, Components Thereof, & Prods. Containing Same*, Inv. No. 337-TA-590, Order No. 31 (Aug. 23, 2007) (granting motion to stay procedural schedule in light of pending motion to terminate). There are a number of imminent deadlines in this Investigation, including the deadline for Solas to serve Responses to Respondents’ First Set of Interrogatories and Requests for Production and the deadline for parties to File a List of Tentative Econ Prong Witnesses, both due Monday, November 9, 2020; the Telephone management conference, scheduled for Tuesday, November 10, 2020; and the deadline for Complainant to serve its Expert Report on Econ Prong and file a separate Econ Prong Contentions, which is due Friday, November 13, 2020. *See* Order No. 3 (Oct. 26, 2020) (Scheduling Order for the 100-Day Phase of this Investigation). There is no need for the Parties to continue to expend resources to litigate issues pending the outcome of Complainant’s motion to terminate. The requested stay and request for expedited treatment will therefore conserve the resources of the Administrative Law Judge, the Commission Investigative Staff, and the private parties.

Pursuant to Commission Rule 210.21(a)(1), Solas states that there are no agreements, written or oral, express or implied, between the Parties concerning the subject matter of this

Investigation (*e.g.*, no settlement, licensing, or other such agreement). In addition, there are no extraordinary circumstances that would justify denying termination of this Investigation based on withdrawal of the Complaint.

II. CONCLUSION

Based on the foregoing, Solas respectfully requests that this Investigation be terminated in its entirety based on withdrawal of the Complaint and requests that all procedural schedule deadlines be stayed.

Dated: November 6, 2020

Respectfully submitted,

/s/ Evan H. Langdon

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