

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

In the Matter of

**CERTAIN ELECTRONIC DEVICES,  
INCLUDING WIRELESS  
COMMUNICATION DEVICES,  
PORTABLE MUSIC AND DATA  
PROCESSING DEVICES, AND TABLET  
COMPUTERS**

**Inv. No. 337-TA-794**

**NOTICE OF COMMISSION DETERMINATION TO DEEM ANY NOTICE MADE  
PURSUANT TO 19 U.S.C. § 1337(j) TO BE RECEIVED UPON ACTUAL RECEIPT**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to waive Commission Rule 201.3(c) with respect to any notice made in this investigation pursuant to 19 U.S.C. § 1337(j). Any such notice shall be deemed received upon actual receipt.

**FOR FURTHER INFORMATION:** Clark S. Cheney, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-2661. 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 (<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 August 1, 2011, based on a complaint filed by Samsung Electronics Co., Ltd. of Seoul, Republic of Korea, and Samsung Telecommunications America, LLC of Richardson, Texas (collectively, "Samsung"). 76 *Fed. Reg.* 45860 (Aug. 1, 2011). The complaint 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

electronic devices, including wireless communication devices, portable music and data processing devices, and tablet computers, by reason of infringement of various patents, including U.S. Patent No. 7,706,348 (“the ’348 patent”). The notice of investigation named Apple Inc. of Cupertino, California (“Apple”), as the only respondent.

On June 4, 2013, the Commission determined that Samsung had proved a violation of section 337 based on articles that infringe the ’348 patent. The Commission issued a limited exclusion order barring Apple from importing such articles and a cease and desist order barring Apple from further selling or distributing such articles. The U.S. Trade Representative (“USTR”), as delegated by the President, has 60 days to approve or disapprove the Commission’s remedy or take no action. *See* Presidential Memorandum of July 21, 2005, 70 *Fed. Reg.* 43251 (July 26, 2005). If the USTR takes action to approve before the close of the review period or to disapprove, it must notify the Commission of that action. *See* 19 U.S.C. § 1337(j).

Pursuant to 19 C.F.R. § 201.3(b), all communications to the Commission should be addressed to the “Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436.” Pursuant to 19 C.F.R. § 201.3(c), any document filed with the Secretary of the Commission after 5:15 p.m. will be considered filed the next business day.

In view of possible action by the USTR in this investigation outside of the Commission’s business hours, the Commission has determined to waive 19 C.F.R. § 201.3(c) regarding receipt of any notice from the USTR in the above-referenced investigation. In particular, the Commission has determined that any notice made pursuant to 19 U.S.C. § 1337(j) be deemed received upon actual receipt, including but not limited to receipt by electronic means.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. §§ 1335, 1337), and in Rule 201.4(b) of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 201.4(b)).

By order of the Commission.



Lisa R. Barton

Acting Secretary to the Commission

Issued: August 2, 2013