

were terminated from this investigation.

On October 19, 2006, the presiding administrative law judge (“ALJ”) issued an Initial Determination on Violation of Section 337 and Recommended Determination on Remedy and Bond (“ID”), finding a violation of section 337 as to the ‘983 patent only. On December 8, 2006, the Commission issued a notice of its decision to review and modify in part the ALJ’s final ID. The modification made by the Commission did not affect the finding of violation.

On March 21-22, 2007, the Commission held a public hearing on the issues of remedy and the public interest. Subsequently, the Commission extended the target date for completion of this investigation to June 7, 2007.

On June 7, 2007, the Commission issued a limited exclusion order, with certain exemptions, prohibiting the importation of Qualcomm’s baseband processor chips or chipsets, including chips or chipsets incorporated into circuit board modules and carriers, that are programmed to enable the power saving features covered by claims 1, 4, 8, 9, or 11 of the ‘983 patent, as well as handheld wireless communication devices, including cellular telephone handsets and PDAs, containing Qualcomm baseband processor chips or chipsets that are programmed to enable the power saving features covered by these claims. The Commission also issued a cease and desist order that prohibits Qualcomm from engaging in certain activities in the United States related to the infringing chips.

On November 9, 2007, complainant Broadcom filed a complaint for enforcement proceedings under Commission Rule 210.75. Broadcom asserts that respondent Qualcomm has violated the Commission’s cease and desist order by continued marketing of infringing, imported baseband processor chips and chipsets, and continued testing and programming of imported baseband processor chips and chipsets to transform them into infringing products. On December 5 and 7, 2007, respectively, Qualcomm filed a letter opposing institution of Broadcom’s complaint, and Broadcom filed a letter in response to Qualcomm’s opposition.

Having examined the complaint seeking a formal enforcement proceeding, and having found that the complaint complies with the requirements for institution of a formal enforcement proceeding contained in Commission rule 210.75, the Commission has determined to institute formal enforcement proceedings to determine whether Qualcomm is in violation of the Commission’s cease and desist order issued in the investigation, and what, if any, enforcement measures are appropriate. The following entities are named as parties to the formal enforcement proceeding: (1) complainant Broadcom, (2) respondent Qualcomm, and (3) a Commission investigative attorney to be designated by the Director, Office of Unfair Import Investigations.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75).

By order of the Commission.

/s/

Marilyn R. Abbott
Secretary to the Commission

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