

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

In the Matter of

**CERTAIN MOBILE AND PORTABLE
ELECTRONIC DEVICES INCORPORATING
HAPTICS (INCLUDING SMARTPHONES AND
LAPTOPS) AND COMPONENTS THEREOF**

**Investigation No. 337-TA-1004
Investigation No. 337-TA-990
(Consolidated)**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING THE INVESTIGATION
AS TO CERTAIN ASSERTED PATENT CLAIMS AND ACCUSED PRODUCTS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 29) terminating the investigation as to certain asserted patent claims and accused products.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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 at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted Investigation No. 337-TA-990 on March 18, 2016, based on a complaint filed by Immersion Corporation of San Jose, California ("Immersion"). 81 FR 14889 (Mar. 18, 2016). The complaint alleged 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, or the sale within the United States after importation of certain mobile electronic devices including haptics (including smartphones and smartwatches) and components thereof, by reason of infringement of certain claims of three United States patents, including claims 1-3, 5, 7, 9-13, 15, 17, 19-23, 25, and 26 of U.S. Patent No 8,773,356 ("the '356

patent”); and claims 1-3 and 5-15 of U.S. Patent No. 8,619,051 (“the ’051 patent”). The notice of investigation named as respondents Apple Inc. of Cupertino, California (“Apple”); AT&T Inc. of Dallas, Texas (“AT&T Inc.”); and AT&T Mobility LLC of Atlanta, Georgia (“AT&T Mobility”). The Office of Unfair Import Investigations was also named as a party. On May 4, 2016, the Commission issued a notice determining not to review the ALJ’s ID terminating the investigation as to respondent AT&T Inc. based upon withdrawal of the complaint.

The Commission instituted Investigation No. 337-TA-1004 on June 9, 2016, based upon another complaint filed by Immersion, alleging a violation of section 337 by Apple and AT&T Mobility by reason of the infringement of certain claims of four additional patents. 81 FR 37210 (June 9, 2016). The notice of investigation authorized the Chief ALJ to consolidate Investigation Nos. 337-TA-990 and 337-TA-1004 if he deemed it appropriate. *Id.* at 37211. The Chief ALJ determined to consolidate the two investigations. Order No. 3, Inv. No. 337-TA-1004 (June 9, 2016).

On February 3, 2017, Immersion moved for partial termination of the consolidated investigation as to claims 7 and 17 of the ’356 patent; claims 7, 11, and 15 of the ’051 patent; the Apple watch products with respect to the ’356 patent; and the Apple iPhone 6, 6 Plus, and SE products with respect to the ’051 patent. Neither the respondents nor the Commission investigative attorney opposed the motion. On February 9, 2017, the ALJ granted the motion as the subject ID. Order No. 29 (Feb. 9, 2017). The ALJ found that the motion complies with Commission rules, 19 CFR § 210.21(a). Order No. 29 at 1-2.

No petitions for review of the ID were filed. The Commission has determined not to review the ID.

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 Part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: March 13, 2017