

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MOBILE ELECTRONIC DEVICES
AND RADIO FREQUENCY AND PROCESSING
COMPONENTS THEREOF**

Investigation No. 337-TA-1065

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANT’S UNOPPOSED MOTION TO
TERMINATE THE INVESTIGATION AS TO CERTAIN PATENT CLAIMS BASED
UPON WITHDRAWAL OF ALLEGATIONS PERTAINING TO THOSE CLAIMS
FROM THE COMPLAINT**

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. 24) granting complainant’s unopposed motion to terminate the investigation as to claims 9 and 10 of U.S. Patent No. 8,698,558 (“the ’558 patent”) based upon withdrawal of allegations pertaining to those claims from the complaint.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3042. 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 <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 14, 2017, based on a complaint filed by Qualcomm Incorporated of San Diego, California (“Qualcomm”). 82 *Fed. Reg.* 37899 (Aug. 14, 2017). 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 mobile electronic devices and radio frequency and processing components thereof that infringe one or more claims of U.S. Patent No. 8,633,936; U.S. Patent No. 8,487,658 (“the ’658 patent”); U.S. Patent No. 8,838,949; U.S. Patent No. 9,535,490; U.S. Patent No. 9,608,675; and the ’558 patent. The ’658 patent has been terminated from the investigation. *See* Order No 6, Comm’n Notice of Non-Review (Sept. 20, 2017). The notice of investigation named Apple Inc. of Cupertino, California (“Apple”) as the respondent. The Office of Unfair Import Investigations is participating in the investigation.

On February 15, 2018, Qualcomm moved to terminate the investigation as to claims 9 and 10 of the ’558 patent based upon withdrawal of allegations pertaining to those claims from the complaint. Qualcomm stated that Apple and the Commission investigative attorney (“IA”) do not oppose the motion. On February 16, 2018, the IA filed a response in support of the motion.

On February 20, 2018, the ALJ issued the subject ID, granting the unopposed motion. The ALJ found that the motion complies with the requirements of Commission Rule 210.21(a)(1) (19 C.F.R. § 210.21(a)(1)) and further found that there are no extraordinary circumstances that warrant denying the motion. None of the parties petitioned for review of the ID.

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 C.F.R. Part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: March 22, 2018