

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 TO EXTEND THE DATE FOR
DETERMINING WHETHER TO REVIEW THE FINAL INITIAL DETERMINATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined to extend the date for determining whether to review the final initial determination (“ID”) in this investigation to December 12, 2018.

FOR FURTHER INFORMATION CONTACT: Carl Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, DC 20436, telephone (202) 205-2382. 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 SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission’s Electronic Docket Information System (“EDIS”) (<https://edis.usitc.gov>). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: On August 14, 2017, the Commission instituted this investigation based on a Complaint and amendment thereto filed by Qualcomm Incorporated of San Diego, California. 82 FR 37899 (Aug. 14, 2017); 83 FR 21307 (May 9, 2018). 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 (“the ’936 patent”), U.S. Patent No. 8,698,558 (“the ’558 patent”), U.S. Patent No. 8,838,949 (“the ’949 patent”), U.S. Patent No. 9,535,490 (“the ’490 patent”), U.S. Patent No. 9,608,675 (“the ’675 patent”), and U.S. Patent No. 8,487,658 (“the ’658 patent”). The Notice of Investigation named Apple Inc. of Cupertino, California (“Apple”) as Respondent. The Office of Unfair Import Investigations is participating in the investigation.

The following claims have since been terminated from this investigation: all asserted claims of the '658 patent, '949 patent, and '675 patent; claims 1, 20-24, 26, 38, 67, and 68 of the '936 patent; claims 1, 6, and 8-20 of the '558 patent; and claims 1-6, 8, 10, and 16-17 of the '490 patent. *See* Order No. 43, *not reviewed* Comm'n Notice (July 17, 2018); Order No. 37, *not reviewed*, Comm'n Notice (May 23, 2018); Order No. 34, *not reviewed*, Comm'n Notice (Apr. 6, 2018); Order No. 24, *not reviewed*, Comm'n Notice (Mar. 22, 2018); Order No. 6, *not reviewed*, Comm'n Notice (Sept. 20, 2017); Comm'n Notice of Correction of Notice of Investigation (May 3, 2018).

The presiding administrative law judge ("ALJ") held an evidentiary hearing from June 19-27, 2018. On September 28, 2018, the ALJ issued his final ID, in which he found Apple in violation of Section 337 as to the '490 patent, but not the '558 or '936 patents. The ALJ recommended that the Commission decline to issue a limited exclusion order or cease and desist order in view of the public interest.

The parties filed their petitions for review on October 15, 2018, and their responses on October 23, 2018.

The Commission has determined to extend the date for determining whether to review the ID to December 12, 2018.

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: November 9, 2018