

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MOBILE ELECTRONIC DEVICES
AND RADIO FREQUENCY AND PROCESSING
COMPONENTS THEREOF (II)**

Investigation No. 337-TA-1093

**NOTICE OF COMMISSION DECISION EXTENDING THE TARGET DATE
BY APPROXIMATELY ONE MONTH**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend the target date for completion of the above-captioned investigation by approximately one month to August 29, 2019.

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 this investigation on January 8, 2018, based on a complaint filed by Qualcomm Incorporated of San Diego, California ("Qualcomm"). 83 FR 834 (Jan. 8, 2018). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 by reason of the infringement of certain claims of U.S. Patent Nos. 9,154,356; 9,473,336; 8,063,674; 7,693,002; and 9,552,633. *Id.* The notice of investigation names as the respondent Apple Inc. of Cupertino, California. *Id.* at 835. The Office of Unfair Import Investigations is also named as a party. *Id.*

On March 26, 2019, the presiding administrative law judge issued a final initial determination ("the final ID"), finding a violation of section 337. Qualcomm and Apple filed

petitions for review of the final ID, and those parties, as well as the Commission investigative attorney (“IA”), filed responses to the petitions for review.

On April 16, 2019, Qualcomm and Apple filed a motion to suspend the procedural schedule and to stay all deadlines for up to ten days by virtue of a settlement between Qualcomm and Apple, which resolves all of their disputes. On April 19, 2019, the Commission determined to stay all procedural deadlines in the investigation in view of the settlement.

The Commission’s April 19, 2019, notice requested that the private parties file a motion to terminate by April 26, 2019, and Qualcomm and Apple complied. The IA concluded that the motion was not in compliance with Commission rules, including Commission Rules 201.6 and 210.21(b), 19 CFR 201.6, 210.21(b), both in omitting necessary material and overredacting material that is not confidential business information. Qualcomm, Apple, and the IA moved to extend the deadline for IA’s response to the motion to terminate to provide Qualcomm and Apple with additional time to amend their motion to terminate and to address the IA’s concerns. The Commission granted the extension motion on May 9, 2019.

On May 13, 2019, Qualcomm and Apple filed an amended motion to terminate. On May 21, 2019, the IA responded in partial opposition, explaining that the revised motion still did not comply with Commission rules concerning the redaction of information. Since that time, the IA has coordinated with the private parties to obtain a filing that complies with Commission rules.

The Commission has determined to extend the target date for completion of the investigation to August 29, 2019.

By this Notice, the Commission orders the private parties to produce a rules-compliant motion to terminate as soon as possible, but in any event, no later than Thursday, August 8, 2019. The IA is to respond to that motion on or before Friday, August 16, 2019.

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: July 24, 2019