

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

In the Matter of

**CERTAIN LTE- AND 3G-COMPLIANT
CELLULAR COMMUNICATIONS
DEVICES**

Investigation No. 337-TA-1138

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION EXTENDING THE DEADLINE FOR ISSUING THE
RECOMMENDED DETERMINATION ON REMEDY, BOND,
AND THE PUBLIC INTEREST**

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 an initial determination (“ID”) (Order No. 63) of the presiding administrative law judge (“ALJ”) extending the deadline for issuing the recommended determination (“RD”) on remedy, bond, and the public interest.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3179. 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 October 19, 2018, based on a complaint filed by INVT SPE LLC of San Francisco, California. 83 *Fed. Reg.* 53105 (Oct. 19, 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, or the sale within the United States after importation of certain LTE- and 3G-compliant cellular communications devices by reason of infringement of certain claims of

U.S. Patent Nos. 7,339,949 (“the ’949 patent”); 7,848,439 (“the ’439 patent”); 6,760,590; 7,206,587; and 7,764,711 (“the ’711 patent”). *Id.* The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation named as respondents Apple Inc. of Cupertino, California; HTC Corporation of Taoyuan City, Taiwan; HTC America, Inc. of Seattle, Washington; ZTE Corporation of Guangdong, China; and ZTE (USA) Inc. of Richardson, Texas. *Id.* at 53106. The Office of Unfair Import Investigations is also named as a party. *Id.* The Commission later terminated the investigation as to (1) the ’711 patent, Order No. 20 (Mar. 11, 2019), *unreviewed by* Comm’n Notice (Mar. 25, 2019); and (2) the ’949 patent and claim 3 of the ’439 patent, Order No. 46 (July 31, 2019), *unreviewed by* Comm’n Notice (Aug. 20, 2019).

On February 18, 2020, the ALJ issued her ID on violation of Section 337. The ALJ stated that her RD on remedy, bond, and the public interest will be forthcoming pursuant to 19 CFR 210.42(a)(1)(ii). *See* ID at iv.

On March 2, 2020, the ALJ issued the subject ID (Order No. 63) extending by eighteen (18) business days—from March 3, 2020 to March 27, 2020—the deadline for issuing the RD on remedy, bond, and the public interest. No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject 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 16, 2020