

**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 TO EXTEND THE DEADLINE FOR  
DETERMINING WHETHER TO REVIEW THE INITIAL DETERMINATION ON  
VIOLATION OF SECTION 337**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to extend until June 1, 2020, the deadline for determining whether to review the presiding administrative law judge's ("ALJ") final initial determination ("ID") on violation of section 337 of the Tariff Act of 1930, as amended.

**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 may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov). General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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:** The Commission instituted this investigation on October 19, 2018, based on a complaint filed by INVT SPE LLC ("INVT") 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) ("section 337"), 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 (collectively, “Respondents”). *Id.* at 53106. The Office of Unfair Import Investigations (“OUII”) 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 the subject ID finding no violation of Section 337. *See ID.* On March 2, 2020, INVT and OUII each filed petitions for review of certain findings in the ID and Respondents filed a contingent petition for review. On March 17, 2020, the parties filed responses to each other’s petitions.

The Commission has determined to extend until June 1, 2020, the deadline for determining whether to review the subject ID.

The Commission vote for this determination took place on May 18, 2020.

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: May 18, 2020