UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of
CERTAIN CELLULAR BASE STATION
COMMUNICATION EQUIPMENT,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING SAME

Investigation No. 337-TA-1302

NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION SETTING A 16.5-MONTH TARGET DATE


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. 5) of the presiding
administrative law judge (“ALJ”) setting a 16.5-month target date of July 10, 2023, for
completion of the above-captioned investigation.

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. 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: On February 25, 2022, the Commission instituted this
investigation based on a complaint filed by Apple Inc. (“Apple”) of Cupertino, California. 87
FR 10819 (Feb. 25, 2022). The complaint alleges violations of section 337 of the Tariff Act of
1930, as amended (19 U.S.C. 1337), based on the importation into the United States, the sale for
importation, or the sale within the United States after importation of certain cellular base station
communication equipment, components thereof, and products containing same by reason of
infringement of certain claims of U.S. Patent Nos. 9,882,282; 10,263,340; and 9,667,290. Id.
The complaint further alleges that a domestic industry exists. Id. The notice of investigation
named three respondents: Ericsson AB and Telefonaktiebolaget LM Ericsson, both of
Stockholm, Sweden, and Ericsson Inc. of Plano, Texas (collectively, “Ericsson”). *Id.* The Office of Unfair Import Investigations is also named as a party. *Id.*

On March 18, 2022, the parties filed a joint submission regarding scheduling and discovery pursuant to Order No. 3. In that joint submission, (i) Apple proposes a target date of “no more than sixteen (16) months,” (ii) Ericsson proposes a target date of “at least 17 months,” and (iii) OUII states that it prefers a 16-month target date.

On April 5, 2022, the ALJ issued the subject ID setting a target date of July 10, 2023. The ID finds that a target date of “approximately 16.5 months” is warranted because the evidentiary hearing is set for December 4–9, 2022, and the “parties agree that a target date of at least 16 months is appropriate.” *Id* at 2. No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID. Accordingly, the target date is July 10, 2023, and the final ID is due on March 10, 2023.

The Commission vote for this determination took place on April 25, 2022.


By order of the Commission.

Lisa R. Barton
Secretary to the Commission

Issued: April 25, 2022