

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN MOBILE
ELECTRONIC DEVICES

Investigation No. 337-TA-1324

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION PARTIALLY TERMINATING THE INVESTIGATION
AS TO A PATENT BASED ON WITHDRAWAL OF THE COMPLAINT**

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. 22) of the presiding Administrative Law Judge (“ALJ”) partially terminating the investigation as to U.S. Patent No. 8,170,394 (“the ’394 patent”) based on withdrawal of the complaint as to that patent.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. 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 on (202) 205-1810.

SUPPLEMENTARY INFORMATION: On August 22, 2022, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by Maxell, Ltd. of Kyoto, Japan (“Maxell” or “Complainant”). *See* 87 FR 51445-46 (Aug. 22, 2022). The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile electronic devices by reason of infringement of certain claims of the ’394 patent as well as U.S. Patent Nos. 7,199,821; 7,324,487; 8,170,394; 8,982,086; 10,129,590 (“the ’590 patent”); and 10,244,284 (“the ’284 patent”). The notice of investigation names Lenovo Group Ltd. of Beijing, China; Lenovo (United States) Inc. of Morrisville, North Carolina; and Motorola Mobility LLC of Libertyville, Illinois (collectively, “Respondents”) as respondents in the investigation. *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

On March 6, 2023, the Commission partially terminated the investigation as to the '590 and '284 patents based on the withdrawal of the complaint as to those patents. *See* Order No. 16 (Feb. 6, 2023), *unreviewed by* Comm'n Notice (Mar. 6, 2023).

On April 3, 2023, Complainant filed an unopposed motion for partial termination of the investigation as to the asserted claims of the '394 patent based on the withdrawal of the allegations in the complaint as to that patent. On April 12, 2023, OUII filed a response in support of the motion. No other response was filed.

On April 13, 2023, the ALJ issued the subject ID (Order No. 22) granting the motion. The ID finds that the motion complies with the Commission's rules. *See* ID at 2. In accordance with Commission Rule 210.21(a), 19 CFR 210.21(a), the motion represents that “apart from the stipulations among the parties (each of which have been filed on EDIS in this Investigation), there are no agreements, written or oral, express or implied, between Maxell and Respondents concerning the subject matter of this Investigation.” *See id.* In addition, the ID finds “no extraordinary circumstances that prevent terminating the asserted patent at issue from this investigation.” *See id.*

No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID. The '394 patent is terminated from the investigation.

The Commission's vote for this determination took place on May 15, 2023.

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 15, 2023