

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC

In the Matter of

**CERTAIN MOBILE DEVICES,
ASSOCIATED SOFTWARE, AND
COMPONENTS THEREOF**

Inv. No. 337-TA-744

**NOTICE OF COMMISSION DECISION TO RESCIND A
LIMITED EXCLUSION ORDER**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has rescinded the limited exclusion order issued at the conclusion of the above-captioned investigation based on a settlement agreement between the parties.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C., 20436, telephone (202) 205-3115. Copies of all 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 SW., Washington, D.C. 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<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 the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 5, 2010, based on a complaint filed by Microsoft Corporation of Redmond, Washington ("Microsoft"). 75 Fed. Reg. 68379-80 (Nov. 5, 2010). The complaint alleged 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, and the sale within the United States after importation of certain mobile devices, associated software, and components thereof by reason of infringement of U.S. Patent Nos. 5,579,517; 5,664,133; 5,758,352; 6,370,566 ("the '566 patent"); 6,578,054; 6,621,746; 6,826,762; 6,909,910; and 7,644,376. *Id.* The notice of investigation, as amended, named Motorola Mobility, Inc., of Libertyville, Illinois ("Motorola"), and Motorola, Inc., of Schaumburg, Illinois as respondents. *Id.* Motorola, Inc., n/k/a Motorola

Solutions, was terminated from the investigation based on withdrawal of infringement allegations on July 12, 2011.

On May 18, 2012, the Commission found a violation of section 337 with respect to the '566 patent and issued a limited exclusion order barring the unlicensed importation of mobile devices, associated software, and components thereof, manufactured abroad by or on behalf of, or imported by or on behalf of Motorola that infringe the '566 patent. 77 Fed. Reg. 35427 (June 13, 2012).

On October 1, 2015, Microsoft and Motorola filed with the Commission a joint petition to rescind the limited exclusion order because the parties had entered into a settlement agreement. The petition argued that the parties' settlement agreement constitutes changed circumstances sufficient under Commission Rule 210.76(a)(1), 19 C.F.R. § 210.76(a)(1), to warrant rescission of the limited exclusion order.

The Commission has determined that the settlement agreement between the parties constitutes a changed circumstance sufficient to warrant rescission of the limited exclusion order pursuant to Commission Rule 210.76(a)(1), 19 C.F.R. § 210.76(a)(1). The Commission has therefore rescinded the order.

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.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: October 21, 2015