

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN INTEGRATED CIRCUIT
DEVICES AND PRODUCTS
CONTAINING THE SAME**

Investigation No. 337-TA-873

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING TELA INNOVATIONS, INC.'S
MOTION FOR TERMINATION OF CERTAIN CLAIMS**

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 the administrative law judge's ("ALJ") initial determination ("ID") (Order No. 30) granting a motion to terminate the investigation as to certain asserted patent claims.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2392. 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 (<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 March 15, 2013, based on a complaint filed by Tela Innovations, Inc. of Los Gatos, California ("Tela"). 77 *Fed. Reg.* 22803-04 (Mar. 15, 2013). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by reason of infringement of claims 1-11 and 20-23 of U.S. Patent No. 8,264,049 ("the '049 patent"); claims 1-5, 7, 8, 10-14, 17, 18, 21-25, 28, 29, 32-36, 39, and 40 of U.S. Patent No. 8,264,044 ("the '044 patent"); claims 1-23, 26-31, and 38-46 of U.S. Patent No. 8,258,550 ("the '550 patent"); claims 1-34 of U.S. Patent No. 8,258,547 ("the '547 patent"); claims 1-13 of U.S. Patent No. 8,217,428 ("the '428 patent"); claims 1-5, 11, and 18-47 of U.S. Patent No. 8,258,552 ("the '552 patent"); and claims 2-4, 29, and 33-46 of U.S. Patent No. 8,030,689 ("the '689 patent"). The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named HTC Corporation of Taoyuan, Taiwan; HTC America, Inc. of Bellevue, Washington; LG

Electronics, Inc. of Seoul, Republic of Korea; LG Electronics U.S.A., Inc. of Englewood Cliffs, New Jersey; LG Electronics MobileComm U.S.A., Inc. of San Diego, California; Motorola Mobility LLC of Libertyville, Illinois; Nokia Corporation (Nokia Oyj) of Espoo, Finland; Nokia, Inc. of Sunnyvale, California; Pantech Co., Ltd. of Seoul, Republic of Korea; and Pantech Wireless, Inc. of Atlanta, Georgia as respondents. The Office of Unfair Import Investigations is also a party in this investigation.

On June 27, 2013, the ALJ issued an ID granting Tela's unopposed motion to partially terminate the investigation by withdrawing the allegations relating to claims 36-42 of the '689 patent; claims 3-12 of the '428 patent; claims 10-15 of the '547 patent; claims 3-5 and 9-14 of the '550 patent; claims 3, 4 and 18-23 of the '552 patent; claims 2-5, 7 and 8 of the '044 patent; and claims 10 and 11 of the '049 patent. Order No. 11 (unreviewed by the Commission, July 17, 2013).

On September 4, 2013, Tela filed a second unopposed motion to partially terminate the investigation by withdrawing the allegations with respect to all asserted claims of the '689 patent, as well as claims 1-4, 6, 8-9, 16-19, and 21 of the '049 patent; claims 1, 13-14, 18, 21-25, 28-29, 32-36, and 39-40 of the '044 patent; claim 1 of the '428 patent; claims 1-2, 25-26, 29-35, 37, 39-43, and 46-47 of the '552 patent; claims 1-2, 6-8, 15, 17-22, 26, 30-31, 39, and 41-46 of the '550 patent; and claims 1, 3-4, 6-8, 16-19, 21-26, and 28-34 of the '547 patent.

On September 17, 2013, the ALJ issued the subject ID granting Tela's motion (Order No. 30). The ALJ found that there is good cause for terminating the investigation as to all asserted claims of the '689 patent, as well as claims 1-4, 6, 8-9, 16-19, and 21 of the '049 patent; claims 1, 13-14, 18, 21-25, 28-29, 32-36, and 39-40 of the '044 patent; claim 1 of the '428 patent; claims 1-2, 25-26, 29-35, 37, 39-43, and 46-47 of the '552 patent; claims 1-2, 6-8, 15, 17-22, 26, 30-31, 39, and 41-46 of the '550 patent; and claims 1, 3-4, 6-8, 16-19, 21-26, and 28-34 of the '547 patent. The ALJ noted that Tela represented that there were no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation. Further, the ALJ is not aware of any extraordinary circumstances that would preclude granting the motion. None of the parties petitioned for review of the ID.

The Commission has determined not to review the 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 section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.



Lisa R. Barton
Acting Secretary to the Commission

Issued: November 1, 2013