

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN WIRELESS
COMMUNICATIONS EQUIPMENT,
ARTICLES THEREIN, AND PRODUCTS
CONTAINING THE SAME**

Investigation No. 337-TA-577

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANT'S MOTION TO AMEND 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. 11) of the presiding administrative law judge ("ALJ") granting complainant's motion to amend the complaint in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2310. 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 at <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: On June 29, 2006, the Commission instituted an investigation under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based on a complaint filed by Samsung Electronics Co., Ltd. of Seoul, Korea and Samsung Telecommunications America LLP of Richardson, Texas ("Samsung") alleging violations of section 337 in the importation into the United States and sale of certain wireless communication equipment, articles therein, and products containing the same by reason of infringement of one or more of claims 1-16 of U.S. Patent No. 6,598,202; claims 1-29 of U.S. Patent No. 6,882,636; claims 1-6, 10-13, 16-19, 26-31, 34, 36, 38-41, 45, 47, and 48 of U.S. Patent No. 6,154,652; claims 1-32, 34, and 35 of U.S. Patent No. 6,920,331 ("the '331 patent"); claims 1-11 of U.S.

Patent No. 6,421,353 (“the ‘353 patent”); claims 1, 2, 4, 5, 9, 11, 12, 14, 15, 17, 21-23, and 25 of U.S. Patent No. 6,920,602; and claims 1-33 of U.S. Patent No. 6,928,604 (“the ‘604 patent”). 71 *Fed. Reg.* 38422 (July 6, 2006). The complaint named Ericsson, Inc., Telefonaktiebolaget LM Ericsson, Sony Ericsson Mobile Communications AB, and Sony Ericsson Mobile Communications (USA), Inc. (collectively “Ericsson”) as respondents.

On August 21, 2006, Samsung moved to terminate the investigation as to claims 15-20 of the ‘331 patent; claims 3, 5, 13, 23, 25, and 30 of the ‘604 patent; and claim 11 of the ‘353 patent. On September 14, 2006, the ALJ issued an ID (Order No. 6) granting Samsung’s motion. On September 29, 2006, the Commission issued a Notice determining not to review Order No. 6.

On November 28, 2006, Samsung moved to amend the complaint to include a replacement domestic industry chart for the ‘331 patent and a supplemental declaration related to domestic industry, both of which identify Samsung’s SGH-D357, not the SGH-ZX10, as a product that satisfies the domestic industry requirement of section 337 for the ‘331 patent. On December 7, 2006, the ALJ issued an ID (Order No. 10) granting Samsung’s motion. On December 26, 2006, the Commission issued a Notice determining not to review Order No. 10.

On December 7, 2006, Samsung again moved to amend the complaint to: (1) add domestic industry allegations to the effect that Samsung has exploited the patents-at-issue through its investments in a domestic licensing program to satisfy the domestic industry requirement of section 337, and (2) terminate the investigation as to 64 claims of the patents-at-issue. On December 15, 2006, the respondents filed a response in opposition to the motion. On December 14, 2006, the Commission Investigative Attorney filed a response in support of the motion.

On December 20, 2006, the ALJ issued the subject ID granting Samsung’s motion to amend the complaint. The ALJ found that there was good cause to amend the complaint and that none of the requested changes will prejudice any party. No party petitioned for review of the ID pursuant to 19 C.F.R. § 210.43(a). The Commission has determined not to review this 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 sections 210.14, 210.42(c), 210.42(h) of the Commission’s Rules of Practice and Procedure, 19 C.F.R. §§ 210.14, 210.42(c), 210.42(h).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: January 4, 2007