

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MOBILE AND PORTABLE
ELECTRONIC DEVICES INCORPORATING
HAPTICS (INCLUDING SMARTPHONES AND
LAPTOPS) AND COMPONENTS THEREOF**

Investigation No. 337-TA-1004
Investigation No. 337-TA-990
(Consolidated)

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING THE INVESTIGATION WITH
RESPECT TO THREE 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 an initial determination (“ID”) (Order No. 71) terminating the investigation with respect to three claims based on a partial withdrawal of the complaint.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 708-5468. 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, SW., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://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 Investigation No. 337-TA-990 on March 18, 2016, based on a complaint filed by Immersion Corporation of San Jose, California (“Immersion”). 81 FR 14889-90 (Mar. 18, 2016). 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, or the sale within the United States after importation of certain mobile electronic devices incorporating haptics (including smartphones and smartwatches) and components thereof, by reason of infringement of certain claims of three United States patents, including

certain claims of U.S. Patent No. 8,773,356 (“the ’356 patent”). The notice of investigation named as respondents Apple Inc. of Cupertino, California (“Apple”); AT&T Inc. of Dallas, Texas (“AT&T Inc.”); and AT&T Mobility LLC of Atlanta, Georgia (“AT&T Mobility”). The Office of Unfair Import Investigations was also named as a party. On May 4, 2016, the Commission issued a notice determining not to review the ALJ’s ID terminating the investigation as to respondent AT&T Inc. based upon withdrawal of the complaint.

The Commission instituted Investigation No. 337-TA-1004 on June 9, 2016, based upon another complaint filed by Immersion, alleging a violation of section 337 by Apple and AT&T Mobility by reason of the infringement of certain claims of four additional patents. 81 FR 37210 (June 9, 2016). The notice of investigation authorized the Chief Administrative Law Judge (“ALJ”) to consolidate Investigation Nos. 337-TA-990 and 337-TA-1004 if he deemed it appropriate. *Id.* at 37211. The Chief ALJ determined to consolidate the two investigations. Order No. 3, Inv. No. 337-TA-1004 (June 9, 2016).

On October 20, 2017, Immersion filed an unopposed motion to terminate the investigation with respect to claims 3, 13, and 23 of the ’356 patent based on a partial withdrawal of the complaint. On October 26, 2017, the ALJ issued the subject ID, granting the motion. No petitions for review of the ID were received.

The Commission has determined not to review the subject 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 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: November 14, 2017