

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

**In the Matter of**

**CERTAIN MOBILE ELECTRONIC  
DEVICES AND RADIO FREQUENCY AND  
PROCESSING COMPONENTS THEREOF**

**Investigation No. 337-TA-1065**

**NOTICE OF A COMMISSION DETERMINATION TO EXTEND THE TARGET DATE  
FOR COMPLETION OF THIS INVESTIGATION**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined to extend the target date for completion of the investigation to March 26, 2019.

**FOR FURTHER INFORMATION CONTACT:** Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone (202) 205-2382. 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, DC 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 Information System (“EDIS”) (<https://edis.usitc.gov>). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** On August 14, 2017, the Commission instituted this investigation based on a Complaint and amendment thereto filed by Qualcomm Incorporated of San Diego, California (“Qualcomm”). 82 FR 37899 (Aug. 14, 2017). The notice of investigation named Apple Inc. of Cupertino, California (“Apple”) as Respondent. The Complaint alleged violations of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), by reason of the importation into the United States, sale for importation, or sale within the United States after importation of certain mobile electronic devices and radio frequency and processing components thereof that infringe one or more claims of U.S. Patent No. 9,535,490 (“the ’490 patent”), U.S. Patent No. 8,698,558 (“the ’558 patent”), U.S. Patent No. 8,633,936 (“the ’936 patent”), U.S. Patent No. 8,838,949 (“the ’949 patent”), U.S. Patent No. 9,608,675 (“the ’675 patent”), and U.S. Patent No. 8,487,658 (“the ’658 patent”). The Office of Unfair Import Investigations (“OUII”) is also a party to this investigation.

The following claims were voluntarily terminated during the course of this investigation: all asserted claims of the '658 patent, '949 patent, and '675 patent; claims 1, 20-24, 26, 38, 67, and 68 of the '936 patent; claims 1, 6, and 8-20 of the '558 patent; and claims 1-6, 8, 10, and 16-17 of the '490 patent. Comm'n Notice (July 17, 2018) (*aff'g* Order No. 43); Comm'n Notice (May 23, 2018) (*aff'g* Order No. 37); Comm'n Notice (Apr. 6, 2018) (*aff'g* Order No. 34); Comm'n Notice (Mar. 22, 2018) (*aff'g* Order No. 24); Comm'n Notice (Sept. 20, 2017) (*aff'g* Order No. 6). The only claims still at issue are claim 31 of the '490 patent, claim 7 of the '558 patent, and claims 19, 25, and 27 of the '936 patent.

The ALJ held an evidentiary hearing from June 19-27, 2018. On September 28, 2018, the ALJ issued his final initial determination ("ID") in this investigation. The ALJ found Apple was violating Section 337 by infringing the '490 patent, but he found no infringement of the '558 or '936 patents. ID at 197. The ALJ also found that Qualcomm satisfied the technical and economic prongs of the domestic industry requirement with respect to the '490 patent but not the '558 or '936 patents. *Id.* The ALJ found insufficient evidence that any asserted claim of any patent was invalid. *Id.* The ALJ recommended that no limited exclusion order or cease and desist order should issue in this investigation due to their prospective effects on competitive conditions in the United States, national security, and other public interest concerns. *Id.* at 199-200. The ALJ recommended that the bond be set at zero-percent of entered value during the Presidential review period, if any. *Id.* at 201.

Apple and Qualcomm filed their respective petitions for review on October 15, 2018, and their responses on October 23, 2018. The Commission also received a number of public interest statements from third parties. On December 12, 2018, the Commission notified the parties that it had determined to review select portions of the final ID and instructed the parties and others to provide written submissions on the issues under the review, the public interest, and proposed remedy. Comm'n Notice, 83 FR 64875 (Dec. 18, 2018). Initial written submissions were due on January 3, 2019, and reply submissions on January 10, 2019. *Id.* at 64877. The Commission also determined to extend the target date for completion of this investigation to February 19, 2019. *Id.*

In view of the recent federal shutdown, the Commission has determined to extend the target date for completion of this investigation to March 26, 2019. Under this schedule, the parties' initial responses to the questions on review and remedy will be due on February 7, 2019. Their replies will be due on February 14, 2019.

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.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is fluid and cursive, with the first name "Lisa" being the most prominent.

Lisa R. Barton  
Secretary to the Commission

Issued: February 5, 2019