

**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 COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANT’S UNOPPOSED MOTION TO
TERMINATE THE INVESTIGATION AS TO CERTAIN PATENT CLAIMS BASED
UPON WITHDRAWAL OF ALLEGATIONS PERTAINING TO THOSE CLAIMS
FROM 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 the presiding administrative law judge’s (“ALJ”) initial determination (“ID”) (Order No. 34) granting complainant’s unopposed motion to terminate the investigation as to claims 10-18, 29, 49, and 55-60 of U.S. Patent No. 8,633,936 (“the ’936 patent”); claims 8, 11, 12, and 14 of U.S. Patent No. 8,698,558 (“the ’558 patent”); claim 16 of U.S. Patent No. 8,838,949 (“the ’949 patent”); claim 10 of U.S. Patent No. 9,535,490 (“the ’490 patent”); and claim 2 of U.S. Patent No. 9,608,675 (“the ’675 patent”) based upon withdrawal of allegations pertaining to those claims from the complaint.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3042. 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 <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 this investigation on

August 14, 2017, based on a complaint filed by Qualcomm Incorporated of San Diego, California (“Qualcomm”). 82 *Fed. Reg.* 37899 (Aug. 14, 2017). The complaint alleges 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 electronic devices and radio frequency and processing components thereof that infringe one or more claims of the ’936 patent, the ’558 patent, the ’949 patent, the ’490 patent, the ’675 patent, and U.S. Patent No. 8,487,658 (“the ’658 patent”). The ’658 patent has been terminated from the investigation. *See* Order No 6, Comm’n Notice of Non-Review (Sept. 20, 2017). The notice of investigation named Apple Inc. of Cupertino, California (“Apple”) as the respondent. The Office of Unfair Import Investigations is participating in the investigation.

On March 16, 2018, Qualcomm moved to terminate the investigation as to claims 10-18, 29, 49, and 55-60 of the ’936 patent; claims 8, 11, 12, and 14 of the ’558 patent; claim 16 of the ’949 patent; claim 10 of the ’490 patent; and claim 2 of the ’675 patent based upon withdrawal of allegations pertaining to those claims from the complaint. Qualcomm stated that Apple and the Commission investigative attorney do not oppose the motion. No responses to the motion were filed.

On March 19, 2018, the ALJ issued the subject ID, granting the unopposed motion. The ALJ found that the motion complies with the requirements of Commission Rule 210.21(a)(1) (19 C.F.R. § 210.21(a)(1)) and further found that there are no extraordinary circumstances that warrant denying 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 Part 210 of the Commission’s Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: April 6, 2018