

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN ELECTRONIC DEVICES,
INCLUDING COMPUTERS, TABLET
COMPUTERS, AND COMPONENTS AND
MODULES THEREOF**

Investigation No. 337-TA-1208

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING AN UNOPPOSED MOTION TO TERMINATE THE
INVESTIGATION AS TO CERTAIN ASSERTED PATENT CLAIMS AND
INTERVENOR GOOGLE LLC**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 26) of the presiding administrative law judge (“ALJ”), granting an unopposed motion to terminate the investigation as to (1) claims 1, 4-6, 9-13, 22, and 23 of U.S. Patent No. 7,724,818 (“the ’818 patent”); (2) claims 1, 2, 5-7, 9-13, 15, 16, 18, 21-23, 25-31, 35, 36, 39, 41-46, 48, 52, 53, 56, 58-60, and 62 of U.S. Patent No. 8,144,764 (“the ’764 patent”); (3) claims 1, 2-4, 6, 7, 9-13, 15, 17, 18, 20-30, 32-39, 41, 43-47, 49, 51-53, 56-60, and 63 of U.S. Patent No. 7,532,808 (“the ’808 patent”); (4) claims 2-4, 6, 7, 16, 20-25, 28, and 29 of U.S. Patent No. 6,950,469 (“the ’469 patent”), (5) all the asserted claims (1-16) of U.S. Patent No. 8,583,706 (“the ’706 patent); and (6) Intervenor Google LLC of Mountain View, California (“Google”).

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) 205-3179. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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 10, 2020, the Commission instituted this investigation based on a complaint filed by Nokia Technologies Oy and Nokia Corporation both of Espoo, Finland (collectively, “Nokia”). 85 FR 48263-64 (Aug. 10, 2020). The complaint alleged violations of section 337 based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain electronic devices,

including computers, tablet computers, and components and modules thereof by reason of infringement of claims 1, 2, 5-7, 9-13, 15, 16, 18, 21-23, 25-29, 31, 32, 35-37, 39-47, 49, 52-54, and 56-62 of the '764 patent; claims 1-4, 6, 7, 9-13, 15-18, 20-30, 32-41, 43-49, 51-60, and 62-65 of the '808 patent; claims 1-7, 9, 15, 16, 18, 20-25, 27-30, and 50 of the '469 patent; claims 1-15 and 20-23 of the '818 patent; and claims 1-16 of the '706 patent. *Id.* The Commission's notice of investigation named the following nine Lenovo entities as respondents: Lenovo (United States), Inc. of Morrisville, North Carolina; Lenovo Group Limited of Quarry Bay, Hong Kong; Lenovo (Beijing) Limited of Beijing, China; Lenovo (Shanghai) Electronics Technology Co. Ltd. of Shanghai, China; Lenovo PC HK Limited of Quarry Bay, Hong Kong; Lenovo Information Products Shenzhen Co. Ltd. of Shenzhen, China; Lenovo Mobile Communication of Wuhan, China; Lenovo Corporation of Wujiang, China; and Lenovo Centro Tecnologico S. de RL CV of Nuevo Leon, Mexico (collectively, "Lenovo"). *Id.* at 48264. The notice of investigation also named the Office of Unfair Import Investigations ("OUII") as a party. *Id.*

On September 4, 2020, the ALJ granted a motion by Google to intervene in this investigation. Although Google sought intervention only as to the '706 patent, the ALJ granted intervention without limitation, and the Commission determined not to review the ID. Order No. 5 (Sept. 4, 2020), *unreviewed by Comm'n Notice* (Sept. 29, 2020).

On March 1, 2021, Nokia moved to terminate the investigation as to (1) claims 1, 4-6, 9-13, 22, and 23 of the '818 patent; (2) claims 1, 2, 5-7, 9-13, 15, 16, 18, 21-23, 25-31, 35, 36, 39, 41-46, 48, 52, 53, 56, 58-60, and 62 of the '764 patent; (3) claims 1, 2-4, 6, 7, 9-13, 15, 17, 18, 20-30, 32-39, 41, 43-47, 49, 51-53, 56-60, and 63 of the '808 patent; (4) claims 2-4, 6, 7, 16, 20-25, 28, and 29 of the '469 patent, (5) all the asserted claims (1-16) of the '706 patent; and (6) Intervenor Google. The Lenovo respondents do not oppose the motion and Google joined the motion with respect to its termination. On March 11, 2021, OUII filed a response in support of the motion.

On March 12, 2021, the ALJ issued the subject ID (Order No. 26) granting Nokia's unopposed motion. The subject ID finds that the motion complies with Commission Rule 210.21(a)(1), which provides that "[a]ny party may move at any time prior to the issuance of an initial determination on violation of section 337 of the Tariff Act of 1930 to terminate an investigation in whole or in part as to any or all respondents, on the basis of withdrawal of the complaint or certain allegations contained therein . . ." 19 CFR 210.21(a)(1). *ID* at 2. The ID states that "[i]n compliance with this rule, the motion states that there are no agreements, written or oral, express or implied, between the parties concerning the subject matter of this investigation, other than the agreement with Google regarding its withdrawal from participation in the investigation" and that there is no evidence of extraordinary circumstances that would prevent granting the motion. *Id.* at 2-3. Specifically regarding Google, the ID notes that "Google had moved to intervene in this investigation only with respect to the '706 patent that is being withdrawn" and that "[i]n connection with Google's termination, Google has agreed not to provide any further submissions in this investigation related to the remaining claims, and Nokia and Lenovo have agreed not to call any Google witnesses to testify at the hearing." *Id.* The ID observes that even though Commission Rule 210.21 does not explicitly provide for the termination of intervenors, the Commission has terminated intervenors pursuant to this rule in previous investigations. *ID* at 3 (citing *Certain Audio Processing Hardware and Software and*

Products Containing the Same, Inv. No. 337-TA-949, Order No. 38 (Mar. 18, 2016) (terminating intervenor by settlement), *unreviewed by Comm'n Notice* (Apr. 19, 2016). The ID further finds good cause in granting the motion as it will streamline the proceedings. *Id.*

The Commission has determined not to review the subject ID. The investigation is hereby terminated as to (1) claims 1, 4-6, 9-13, 22, and 23 of the '818 patent; (2) claims 1, 2, 5-7, 9-13, 15, 16, 18, 21-23, 25-31, 35, 36, 39, 41-46, 48, 52, 53, 56, 58-60, and 62 of the '764 patent; (3) claims 1, 2-4, 6, 7, 9-13, 15, 17, 18, 20-30, 32-39, 41, 43-47, 49, 51-53, 56-60, and 63 of the '808 patent; (4) claims 2-4, 6, 7, 16, 20-25, 28, and 29 of the '469 patent, (5) all the asserted claims (1-16) of the '706 patent; and (6) Intervenor Google.

The Commission vote for this determination took place on March 30, 2021.

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: March 30, 2021