

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MOBILE PHONES,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING THE SAME**

Investigation No. 337-TA-1375

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW
AN INITIAL DETERMINATION GRANTING A MOTION
FOR SUMMARY DETERMINATION ON THE ECONOMIC PRONG
OF THE DOMESTIC INDUSTRY REQUIREMENT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 50) granting a motion that the economic prong of the domestic industry requirement has been satisfied.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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 November 17, 2023, the Commission instituted this investigation based on a complaint filed by Telefonaktiebolaget LM Ericsson of Stockholm, Sweden ("Ericsson"). 88 FR 80336 (Nov. 17, 2023). The complaint alleged violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile phones, components thereof, and products containing same by reason of the infringement of certain claims of U.S. Patent No. 10,425,817 ("the '817 patent"); U.S. Patent No. 10,306,669 ("the '669 patent"); U.S. Patent No. 11,317,342 ("the '342 patent"); and U.S. Patent No. 11,515,893 ("the '893 patent"). *Id.* The Commission's notice of investigation named the following respondents: Motorola Mobility LLC of Chicago, Illinois; Lenovo (United States) Inc. of Morrisville, North Carolina; Lenovo Group Limited ("LGL") of Hong Kong SAR; and Motorola (Wuhan) Mobility Technologies of Wuhan, China. The Office of Unfair Import Investigations ("OUII") was also named as a party in this investigation. *Id.* The Commission

On July 1, 2024, the Commission terminated the investigation as to LGL. Order No. 30 (June 3, 2024), *not reviewed*, Notice (July 1, 2024). In addition, through several IDs, a number of asserted patent claims have been withdrawn. Order No. 10 (Jan. 3, 2024), *not reviewed*, Notice (Feb. 1, 2024); Order No. 15 (Feb. 7, 2024), *not reviewed*, Notice (Mar. 7, 2024); Order No. 31 (June 3, 2024), *not reviewed*, Notice (July 1, 2024); Order No. 41 (July 9, 2024), *not reviewed*, Notice (July 30, 2024). The patent claims that remain asserted are claims 10 and 13-15 of the '817 patent; claims 8, 9, 15, and 17 of the '669 patent; claims 34 and 39 of the '342 patent; and claim 4 of the '893 patent.

On May 8, 2024, Ericsson filed a motion for summary determination on the economic prong of the domestic industry requirement pursuant to 19 U.S.C. 1337(a)(3)(A) and (B). The parties also filed a stipulation indicating that Respondents “do not and will not dispute Ericsson’s satisfaction of the economic prong of the domestic industry requirement.”¹ OUII indicated that it supports the motion.

On December 16, 2024, the ALJ issued the subject ID granting the unopposed motion for summary determination finding that the economic prong has been met under subparagraphs (a)(3)(A) and (a)(3)(B) of section 337. No one petitioned for review of the subject ID.

On December 17, 2024, the ALJ issued the Final ID, which finds a violation of section 337 as to all four asserted patents. The parties have filed petitions for review of the Final ID.

The Commission has determined to review the subject ID.

The Commission vote for this determination took place on January 15, 2025.

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: January 15, 2025

¹ The Private Parties’ Stipulation Regarding the Economic Prong of the Domestic Industry Requirement at 2 (Apr. 19, 2024).