

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN CELLULAR BASE STATION
COMMUNICATION EQUIPMENT,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-1397

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANT’S UNOPPOSED MOTION FOR
SUMMARY DETERMINATION THAT THE ECONOMIC PRONG OF THE
DOMESTIC INDUSTRY REQUIREMENT IS SATISFIED**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined not to review an initial determination (“ID”) (Order No. 18) of the presiding Administrative Law Judge (“ALJ”) granting complainant’s motion for summary determination that the economic prong of the domestic industry requirement is satisfied.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket system (“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 April 16, 2024, the Commission instituted this investigation based on a complaint filed by Motorola Mobility LLC (“Motorola” or “Complainant”) of Chicago, Illinois. 89 FR 26918-19 (Apr. 16, 2024). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“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 cellular base station communication equipment, components thereof, and products containing same, by reason of the infringement of certain claims of U.S. Patent Nos. 11,076,304 (“the ’304 patent”) and 11,711,706 (“the ’706 patent”). *Id.* The Commission’s notice of investigation named the following respondents: Ericsson AB and Telefonaktiebolaget LM Ericsson, both of Stockholm,

Sweden; and Ericsson Inc. of Plano, Texas. *Id.* The Office of Unfair Import Investigations (“OUII”) was also named as a party in this investigation. *Id.*

On November 15, 2024, the Commission partially terminated the investigation as to claims 3, 6-9, 12-14, and 18 of the ’304 patent and claims 3, 7-14, and 17-18 of the ’706 patent. *See* Order No. 15 (Oct. 23, 2024), *unreviewed by* Comm’n Notice (Nov. 15, 2024).

On October 8, 2024, Motorola filed an unopposed motion (“Motion”) for summary determination that the economic prong of the domestic industry requirement is satisfied with respect to the ’304 and ’706 patents. On October 17, 2024, OUII filed response in support of the Motion. No other response to the Motion was filed.

On November 25, 2024, the ALJ issued the subject ID (Order No. 18) granting the Motion pursuant to Commission Rule 210.18 (19 CFR 210.18). The ID finds no genuine issue of material fact, and therefore finds that Motorola is entitled to summary determination as a matter of law that the economic prong of the domestic industry requirement is satisfied with respect to the ’304 and ’706 patents under subsections (A) (significant investment in plant and equipment) and (B) (significant employment of labor or capital) of section 337(a)(3). *See* ID at 10-15.

No party filed a petition for review.

The Commission has determined not to review the subject ID. The Commission finds that the economic prong of the domestic industry requirement is satisfied with respect to the ’304 and ’706 patents provided that the Commission ultimately finds the technical prong likewise satisfied as to those patents.

The Commission’s vote for this determination took place on December 23, 2024.

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: December 26, 2024