

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN ELECTRONIC PRODUCTS,
INCLUDING PRODUCTS WITH NEAR FIELD
COMMUNICATION (“NFC”) SYSTEM-LEVEL
FUNCTIONALITY AND/OR BATTERY
POWER-UP FUNCTIONALITY, COMPONENTS
THEREOF, AND PRODUCTS CONTAINING
SAME**

Investigation No. 337-TA-950

**NOTICE OF COMMISSION DECISION NOT TO REVIEW
AN INITIAL DETERMINATION PARTIALLY TERMINATING THE
INVESTIGATION WITH RESPECT TO U.S. PATENT NOS. 8,280,304 AND 8,412,185**

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. 7) that granted an unopposed motion to partially terminate the investigation based on a withdrawal of the complaint with respect to U.S. Patent Nos. 8,280,304 (“the ’304 patent”) and 8,412,185 (“the ’185 patent”).

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2392. 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 <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://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 March 19, 2015, based on a complaint filed by NXP B.V. of The Netherlands and NXP Semiconductors USA, Inc. of San Jose, California. 80 *Fed. Reg.* 14406-07 (Mar. 19, 2015). The complaint was supplemented on February 27, 2015. The complaint, as supplemented, 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, the sale for importation, and the sale within the United States after importation of certain electronic products, including products with near field communication (“NFC”) system-level functionality and/or battery power-up functionality, components thereof, and products containing same by reason of infringement of certain claims of six United States patents, including the ’304 patent and the ’185 patent. The notice of investigation named Dell, Inc. of Round Rock, Texas, as the sole respondent. *Id.* at 14407.

On August 4, 2015, the complainants filed an unopposed motion seeking partial termination of the investigation as to the asserted claims of the ’304 patent and the ’185 patent. Order No. 7 at 1. The complainants asserted that there are no agreements, written or oral, express or implied, between the parties concerning the subject matter of the investigation. *Id.* at 2.

On August 5, 2015, the ALJ granted the motion as an ID (Order No. 7), finding that no extraordinary circumstances prevent complainants’ partial withdrawal of the two asserted patents. *Id.* at 1-2; *see* 19 C.F.R. § 210.21(a)(1).

No petitions for review of the ID were filed. 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: August 26, 2015