

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN WIRELESS COMMUNICATION
DEVICES, PORTABLE MUSIC AND
DATA PROCESSING DEVICES,
COMPUTERS AND COMPONENTS THEREOF**

**Inv. No. 337-TA-745
(Remand)**

Notice Regarding Initial Determination on Remand

(December 18, 2012)

On this date, I issued an Initial Determination on Remand. Below are the first page and the conclusions of law from said filing, which are a matter of public record. A complete public version of the Initial Determination on Remand will issue when all the parties have submitted their redactions and I have had an opportunity to review the redactions.

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**Inv. No. 337-TA-745
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INITIAL DETERMINATION ON VIOLATION OF SECTION 337

Administrative Law Judge Thomas B. Pender

(December 18, 2012)

Pursuant to the Notice of Investigation and Rule 210.42(a) of the Rules of Practice and Procedure of the United States International Trade Commission, this is my Initial Determination on Remand in the matter of Certain Wireless Communication Devices, Portable Music and Data Processing Devices, Computers and Components Thereof, Investigation No. 337-TA-745.

I hereby determine that no violation of Section 337 of the Tariff Act of 1930, as amended, has been found in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain wireless communication devices, portable music and data processing devices, computers and components thereof, in connection with claim 1 of U.S. Patent No. 6,246,862.

I also hereby determine that a domestic industry in the United States exists that practices or exploits U.S. Patent No. 6,246,862.

V. Conclusions of Law

1. The '862 accused products literally infringe claim 1 of the '862 patent.
2. The '862 accused products infringe claim 1 of the '862 patent under the doctrine of equivalents.
3. Claim 1 of the '862 patent is invalid as anticipated by U.S. Patent No. 6,052,464 to Harris.
4. Claim 1 of the '862 patent is not obvious in light of U.S. Patent No. 6,052,464 to Harris in combination with U.S. Patent No. 5,894,298 to Hoeksma.
5. Claim 1 of the '862 patent is not obvious in light of U.S. Patent No. 6,052,464 to Harris in combination with the knowledge of one of ordinary skill in the art.
6. The Droid 2 practices the '862 patent.
7. Motorola has satisfied the domestic industry requirement with regard to the '862 patent.
8. There has been no violation of Section 337 with respect to the '862 patent.



Thomas B. Pender
Administrative Law Judge