

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C. 20436**

**In the Matter of**

**CERTAIN BASEBAND PROCESSOR  
CHIPS AND CHIPSETS,  
TRANSMITTER AND RECEIVER  
(RADIO) CHIPS, POWER CONTROL  
CHIPS, AND PRODUCTS CONTAINING  
SAME, INCLUDING CELLULAR  
TELEPHONE HANDSETS**

**Inv. No. 337-TA-543**

**REMAND OF INVESTIGATION TO PRESIDING ADMINISTRATIVE LAW JUDGE;  
RESCISSION OF REMEDIAL ORDERS**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to rescind the outstanding remedial orders and remand the above-captioned investigation to the presiding administrative law judge ("ALJ") for proceedings consistent with the October 14, 2008, judgment of the U.S. Court of Appeals for the Federal Circuit in *Kyocera Wireless Corp. v. International Trade Commission*, 545 F.3d 1340 (Fed. Cir. 2008).

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2301. 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:** On June 21, 2005, the Commission instituted an investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. §1337, based on a complaint filed by Broadcom Corporation of Irvine, California ("Broadcom"), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain baseband processor chips and chipsets, transmitter and receiver (radio) chips, power control chips, and products containing same, including cellular telephone handsets by reason of

infringement of five patents, including U.S. Patent Nos. 6,714,983 (“the ‘983 patent”); 6,374,311 (“the ‘311 patent”); and 6,583,675 (“the ‘675 patent”). 70 *Fed. Reg.* 35707 (June 21, 2005). The complainant named Qualcomm Incorporated (“Qualcomm”) of San Diego, California as the only respondent. The two remaining patents were terminated from the investigation at Broadcom’s request.

On October 10, 2006, the presiding ALJ issued his final initial determination (“ID”). The ALJ found that Qualcomm had violated section 337 by infringing several of the asserted claims of the ‘983 patent, but that Qualcomm did not infringe the asserted claims of the ‘311 or ‘675 patents. On December 8, 2006, the Commission affirmed the ID’s finding of violation due to infringement of the ‘983 patent, and its finding of no violation with respect to the ‘311 and ‘675 patents.

On June 7, 2007, the Commission determined to issue a limited exclusion order covering the infringing chips as well as certain handheld wireless communications devices containing the chips which were not imported into the United States for sale to the general public on or before June 7, 2007, and a cease and desist order directed to Qualcomm. Qualcomm and a number of handset device manufacturers and service providers appealed the Commission’s determination to the U.S. Court of Appeals for the Federal Circuit (“Federal Circuit”). Those appeals were consolidated in *Kyocera Wireless Corp. v. International Trade Commission*, Nos. 2007-1493 *et seq.* On October 14, 2008, the Federal Circuit issued its opinion, vacating and remanding the Commission’s finding of violation and the orders issued by the Commission. The mandate of the Court issued on December 15, 2008.

Upon consideration of this matter, the Commission has determined to rescind the outstanding remedial orders issued by the Commission on June 7, 2007, and remand the investigation to the presiding ALJ for proceedings consistent with *Kyocera Wireless Corp. v. International Trade Commission*, 545 F.3d 1340 (Fed. Cir. 2008), including issuance of a final ID on violation and a recommended determination on remedy and bonding.

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), the Administrative Procedure Act, and Part 210 of the Commission’s Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.

/s/  
Marilyn R. Abbott  
Secretary to the Commission

Issued: January 22, 2009