

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN WIRELESS COMMUNICATIONS
DEVICES AND COMPONENTS THEREOF**

Investigation No. 337-TA-675

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANT'S MOTION TO AMEND THE
AMENDED COMPLAINT AND NOTICE OF INVESTIGATION**

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 an initial determination ("ID") (Order No. 5) of the presiding administrative law judge ("ALJ") granting complainant's motion to amend the amended complaint and notice of investigation.

FOR FURTHER INFORMATION CONTACT: Panyin Hughes, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3042. 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 May 4, 2009, the Commission instituted an investigation under section 337 of the Tariff Act of 1930, based on a complaint filed by SPH America, LLC of Vienna, VA ("SPH") on March 25, 2009, and amended on April 17, 2009. 74 *Fed. Reg.* 20500 (May 4, 2009). The amended complaint alleged violations of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain wireless communications devices and components thereof by reason of infringement of certain claims of United States Patent Nos. RE 40,385 ("the '385 patent") and 5,960,029 ("the '029 patent"). The amended complaint named nine respondents: Kyocera

Corporation of Kyoto, Japan; Kyocera Wireless Corporation of San Diego, CA; Kyocera Sanyo Telecom, Inc. of Woodland Hills, CA (“Sanyo”); MetroPCS Communications, Inc. of Richardson TX; Metro PCS Wireless of Dallas, TX; Sprint Nextel Corporation of Overland Park, KS (“Sprint Nextel”); América Móvil of Mexico; TracFone Wireless, Inc., of Miami FL; and Virgin Mobile USA, Inc., of Warren, NJ.

On May 29, 2009, SPH filed an unopposed motion to amend the amended complainant and notice of investigation to reflect Sanyo’s recent change in name and location. SPH further moved to substitute Sprint Spectrum L.P. (“Sprint Spectrum”) for Sprint Nextel, asserting that while Sprint Nextel is only the parent holding company, Sprint Spectrum manages and implements the CDMA network at issue in this investigation and is therefore the appropriate Sprint Respondent. SPH also stated that Sanyo and Sprint Nextel agree that the amended complaint and notice of investigation should be amended to reflect the appropriate parties.

On June 2, 2009, the ALJ issued Order No. 5 granting SPH’s motion. None of the parties petitioned for review of Order No. 5. 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 section 210.42(h) of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.42(h)).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: June 16, 2009