UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of
CERTAIN LTE- AND 3G-COMPLIANT
CELLULAR COMMUNICATIONS
DEVICES

Investigation No. 337-TA-1138

NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION CORRECTING THE DATE FOR ISSUANCE OF THE
INITIAL DETERMINATION ON VIOLATION


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. 62) of the presiding
administrative law judge (“ALJ”) correcting the date for issuance of the initial determination on
violation.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the
General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C.
20436, telephone (202) 205-3179. 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
https://www.usitc.gov. The public record for this investigation may be viewed on the
Commission’s electronic docket (EDIS) at https://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
October 19, 2018, based on a complaint filed by INVT SPE LLC of San Francisco, California. 83
Tariff Act of 1930, as amended (19 U.S.C. 1337), in the importation into the United States, the
sale for importation, or the sale within the United States after importation of certain LTE- and
3G-compliant cellular communications devices by reason of infringement of certain claims of
U.S. Patent Nos. 7,339,949 (“the ’949 patent”); 7,848,439 (“the ’439 patent”); 6,760,590;
7,206,587; and 7,764,711 (“the ‘711 patent”). *Id.* The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation named as respondents Apple Inc. of Cupertino, California; HTC Corporation of Taoyuan City, Taiwan; HTC America, Inc. of Seattle, Washington; ZTE Corporation of Guangdong, China; and ZTE (USA) Inc. of Richardson, Texas. *Id.* at 53106. The Office of Unfair Import Investigations is also named as a party. *Id.* The Commission later terminated the investigation as to (1) the ‘711 patent, Order No. 20 (Mar. 11, 2019), *unreviewed by Comm’n Notice* (Mar. 25, 2019); and (2) the ’949 patent and claim 3 of the ’439 patent, Order No. 46 (July 31, 2019), *unreviewed by Comm’n Notice* (Aug. 20, 2019).

On February 12, 2020, the ALJ issued the subject ID (Order No. 62) correcting the date for issuance of the ID on violation. Specifically, Order No. 34 previously set February 17, 2020—a federal holiday—as the date for issuance of the ID on violation. The subject ID corrects that date by extending it one (1) day to February 18, 2020. The subject ID also changes the target date from June 15, 2020 to June 18, 2020. No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID.


By order of the Commission.

Lisa R. Barton  
Secretary to the Commission

Issued: March 4, 2020