

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 A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION EXTENDING THE TARGET DATE**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 34) of the presiding administrative law judge (“ALJ”), extending the target date for completion of the investigation to June 15, 2020.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 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 SW, Washington, DC 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 on behalf of INVT SPE LLC of San Francisco, California. 83 FR 53105 (Oct. 19, 2018). The complaint alleges violations of section 337 of the 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.: 6,760,590; 7,206,587; 7,848,439; 7,339,949; and 7,764,711 (“the ’711 patent”). *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission’s 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 participating in the investigation. *Id.* The '711 patent has been terminated from the investigation. *See* Order No. 20 (Mar. 11, 2019), *unreviewed* by Comm'n Notice (Mar. 25, 2019).

On June 7, 2019, as a result of ongoing discovery problems, the parties filed a joint motion seeking to revise certain dates in the Procedural Schedule, including the dates for the evidentiary hearing, the target date, and the ID due date in this Investigation. *See* Order No. 34 at 1 (Jun. 18, 2019). On June 18, 2019, the ALJ granted the motion and extended the target date by two months to June 15, 2020, with the final ID due on February 17, 2020. *Id.* No petitions for review of the ID were filed.

The Commission has determined not to review the subject 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 CFR Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: July 10, 2019