

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MOBILE ELECTRONIC
DEVICES AND LAPTOP COMPUTERS**

Investigation No. 337-TA-1215

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANT’S UNOPPOSED MOTION TO
PARTIALLY TERMINATE THE INVESTIGATION AS TO U.S. PATENT NO.
10,176,848**

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. 9) of the presiding administrative law judge (“ALJ”) granting complainant’s unopposed motion to partially terminate the investigation as to U.S. Patent No. 10,176,848.

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 may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: On August 24, 2020, the Commission instituted this investigation based on a complaint filed by Maxell, Ltd. (“Maxell”) of Japan. 85 FR 52153-54 (Aug. 24, 2020). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain mobile electronic devices and laptop computers by reason of infringement of certain claims of U.S. Patent Nos. 7,203,517; 8,982,086; 7,199,821; 10,129,590; and 10,176,848 (“the ’848 patent”). *Id.* at 52153. The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation named as respondent Apple Inc. (“Apple”) of Cupertino, California. *Id.* The Office of Unfair Import Investigations (“OUII”) is also named as a party. *Id.*

On February 5, 2021, Maxell filed a motion to terminate the investigation as to the '848 patent based on withdrawal of the allegations in the complaint as to that patent. The motion states that Apple and OUII "both indicated that they do not oppose this motion." *See* Mot. at 2. Neither Apple nor OUII filed a response to the motion.

On February 9, 2021, the ALJ issued the subject ID granting the motion. The ID finds that the motion complies with the requirements of Commission Rule 210.21(a)(1) (19 CFR 210.21(a)(1)), that there is "no evidence of extraordinary circumstances preventing the withdrawal of the '848 patent," and that terminating the patent from the investigation "is in the public interest because it will streamline discovery and narrow the remaining issues." ID at 2. No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID. The '848 patent is terminated from this investigation.

The Commission vote for this determination took place on February 24, 2021.

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".

Lisa R. Barton
Secretary to the Commission

Issued: February 24, 2021