

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN MOBILE
ELECTRONIC DEVICES**

Investigation No. 337-TA-1324

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION PARTIALLY TERMINATING THE INVESTIGATION
AS TO TWO PATENTS BASED ON WITHDRAWAL OF THE COMPLAINT**

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. 16) of the presiding Administrative Law Judge (“ALJ”) partially terminating the investigation as to U.S. Patent Nos. 10,129,590 (“the ’590 patent”) and 10,244,284 (“the ’284 patent”) based on withdrawal of the complaint as to those patents.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. 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 on (202) 205-1810.

SUPPLEMENTARY INFORMATION: On August 22, 2022, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by Maxell, Ltd. of Kyoto, Japan (“Maxell” or “Complainant”). *See* 87 FR 51445-46 (Aug. 22, 2022). The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile electronic devices by reason of infringement of certain claims of U.S. Patent Nos. 7,199,821; 7,324,487; 8,170,394; 8,982,086; as well as the ’590 and ’284 patents. The notice of investigation names Lenovo Group Ltd. of Beijing, China; Lenovo (United States) Inc. of Morrisville, North Carolina; and Motorola Mobility LLC of Libertyville, Illinois (collectively, “Respondents”) as respondents in the investigation. *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

On February 1, 2023, Complainant filed an unopposed motion for partial termination of the investigation as to the asserted claims of the '590 and '284 patents based on the withdrawal of the allegations in the complaint as to those patents. Complainant also requested withdrawal of its domestic industry theory based on licensee BLU Products, Inc. ("BLU"). On February 3, 2023, OUII filed a response in support of the motion. No other response was filed.

On February 6, 2023, the ALJ issued the subject ID (Order No. 16) granting the motion with respect to the partial termination of the two patents. The ID finds that the motion complies with the Commission's rules. *See* ID at 2. In accordance with Commission Rule 210.21(a), 19 CFR 210.21(a), Complainant represents that "there are no agreements, written or oral, express or implied, between Maxell and Respondents concerning the subject matter of this Investigation." *See id.* In addition, the ID finds "no extraordinary circumstances that prevent terminating the asserted patents at issue from this investigation." *See id.* As to Complainant's domestic industry theory based on licensee BLU, the ALJ noted that "this need not be formally terminated" and that "Maxell's motion will be treated as a notice of withdrawal of that contention as to the domestic industry requirement." *See id.* at 3.

No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID. The '590 and '284 patents are terminated from the investigation.

The Commission's vote for this determination took place on March 6, 2023.

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.



Lisa R. Barton
Secretary to the Commission

Issued: March 6, 2023