

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN ELECTRONIC DEVICES AND
SEMICONDUCTOR DEVICES HAVING
WIRELESS COMMUNICATION
CAPABILITIES AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1367

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING AN UNOPPOSED MOTION TO WITHDRAW THE
COMPLAINT AS TO QUALCOMM TECHNOLOGIES, INC.**

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. 12) issued by the presiding administrative law judge (“ALJ”) granting an unopposed motion to withdraw the complaint as to respondent Qualcomm Technologies, Inc. (“Qualcomm”) in the above-identified investigation.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-2392. 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 July 27, 2023, the Commission instituted this investigation, based on a complaint filed by Bell Northern Research, LLC (“BNR”) of Chicago, Illinois. 88 FR 48493-494 (Jul. 27, 2023). The complaint, as supplemented, alleges a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic devices and semiconductor devices having wireless communication capabilities and components thereof by way of infringement of certain claims of U.S. Patent Nos. 7,564,914 (“the ’914 patent”); RE 48,629 (“the ’629 patent”); and 8,416,862 (“the ’862 patent”). *Id.* at 48493. The complaint also alleges a domestic industry exists. *Id.* The Commission’s notice of investigation names eight (8) respondents including Qualcomm of San Diego, California. The Office of Unfair Import Investigations is also participating in this investigation.

On August 18, 2023, complainant BNR filed an unopposed motion to withdraw the complaint as to respondent Qualcomm based on “reliance on the representations of [Qualcomm] that the April 26, 2009 Settlement and Patent License and Non-Assert Agreement between it and Broadcom Corp. (the ‘Agreement’) was not waived or modified with respect to Section 6.2(a).” Order No. 12 at 2 (Sept. 1, 2023) (quoting Mot. at 1). BNR provided confidential and public versions of the agreement. *Id.* However, because the motion did not comply with the Commission Rules, the presiding ALJ denied the motion without prejudice. *Id.* at 1 (citing Order No. 10 (Aug. 30, 2023)). On August 31, 2023, BNR renewed its motion.

On September 1, 2023, the ALJ issued the subject ID (Order No. 12) granting the motion to withdraw the complaint as to Qualcomm. The ID notes that “this motion streamlines the investigation by removing a named respondent” and “there are no extraordinary circumstances that warrant denying the motion.” *Id.* at 3. No party filed a petition for review of the subject ID.

The Commission has determined not to review the subject ID. The investigation is terminated as to Respondent Qualcomm.

The Commission vote for this determination took place on September 22, 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', enclosed in a large, stylized oval flourish.

Lisa R. Barton
Secretary to the Commission

Issued: September 22, 2023