

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C.**

**In the Matter of**

**CERTAIN ELECTRONIC COMPUTING  
DEVICES, AND COMPONENTS AND  
MODULES THEREOF**

**Investigation No. 337-TA-1387**

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW AN INITIAL  
DETERMINATION GRANTING AN UNOPPOSED MOTION FOR SUMMARY  
DETERMINATION ON THE ECONOMIC PRONG OF THE DOMESTIC INDUSTRY  
REQUIREMENT, AND ON REVIEW, TO FIND THE ECONOMIC PRONG MET**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 20) granting an unopposed motion that the economic prong of the Domestic Industry Requirement has been satisfied. On review, the Commission affirms the ID in its entirety.

**FOR FURTHER INFORMATION CONTACT:** Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3042. 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](mailto: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 January 18, 2024, the Commission instituted this investigation based on a complaint filed by Telefonaktiebolaget LM Ericsson of Stockholm, Sweden ("Ericsson"). 89 FR 3427-28 (Jan. 18, 2024). The complaint alleged violations of section 337 based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain electronic computing devices, and components and modules thereof by reason of the infringement of certain claims of U.S. Patent No. 9,641,841 ("the '841 patent"); U.S. Patent No. 10,142,659 ("the '659 patent"); U.S. Patent No. 10,708,618 ("the '618 patent") (collectively, "Asserted Patents"); and U.S. Patent No. 10,708,613 ("the '613 patent"). *Id.* The Commission's notice of investigation named the following respondents: Lenovo (United States) Inc. of Morrisville, North Carolina; Lenovo (Shanghai) Electronics Technology Co., Ltd. of Shanghai, China; Lenovo Beijing Co., Limited of Beijing, China; Lenovo PC HK Limited of Hong Kong; Lenovo Information Products

(Shenzhen) Co. Ltd. of Shenzhen, China (collectively “Respondents”); and Lenovo Group Limited of Beijing, China (“LGL”). The Office of Unfair Import Investigations (“OUII”) was also named as a party in this investigation. *Id.*

On August 20, 2024, the ALJ issued an ID granting a motion to terminate the investigation as to LGL because LGL does not import into the United States, sell for importation, or sell within the United States. Order No. 16 (Aug. 20, 2024), *unreviewed by Comm’n Notice* (Sept. 16, 2024).

On September 9, 2024, the ALJ issued an ID granting a motion to terminate the investigation as to all asserted claims of the ’613 patent, and certain asserted claims of the ’618 patent, ’841 patent, and ’659 patent. Order No. 17 (Sept. 9, 2024), *unreviewed by Comm’n Notice* (Oct. 8, 2024).

On August 21, 2024, the ALJ issued the subject ID (Order No. 20) granting an unopposed motion by Ericsson for summary determination that it has satisfied the economic prong of the domestic industry requirement under 19 U.S.C 1337(a)(3)(A) and (B) as to the Asserted Patents. ID at 1. Ericsson certified in its motion that Respondents do not oppose the motion and that OUII takes no position on the motion. *Id.* No one petitioned for review of the ID.

The Commission has determined to review the subject ID. On review, the Commission has determined to affirm the ID in its entirety and finds that the economic prong of the domestic industry requirement for the Asserted Patents is satisfied.<sup>1</sup>

The Commission vote for this determination took place on November 1, 2024.

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<sup>1</sup> Commissioner Kearns voted for review of this ID and, on review, concurs with the majority that the economic prong is satisfied with respect to the research and development (“R&D”) investments and expenditures by Apple set forth in the ID. Given this finding, he need not and does not take a position with respect to Samsung. As for Apple, Commissioner Kearns notes that in general he believes that the significance analysis under section 337(a)(3)(A) and (B) should be based on a full picture of all expenses associated with the product, not a selective subset of those expenses such as those for R&D. *See, e.g., Certain Vaporizer Devices, Cartridges Used Therewith, and Components Thereof*, Inv. No. 337-TA-1368, June 20, 2024 Notice at 3 n.1 (separate views of Commissioner Kearns as to why the economic prong of the domestic industry requirement was satisfied). In affirming the ID’s finding of a domestic industry under section 337(a)(3)(A) and (B) here, he finds that, given the importance of R&D to the inventions at issue and the share of R&D occurring in the United States, and the lack of opposition to the motion for summary determination, it is unlikely that information on other types of investments would cause him to question the existence of a domestic industry.

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', written in a cursive style.

Lisa R. Barton  
Secretary to the Commission

Issued: November 1, 2024