

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

In the Matter of

**CERTAIN CELLULAR BASE STATION
COMMUNICATION EQUIPMENT,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-1388

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW, AND ON REVIEW
TO AFFIRM IN PART AN INITIAL DETERMINATION GRANTING SUMMARY
DETERMINATION THAT THE ECONOMIC PRONG OF THE DOMESTIC
INDUSTRY REQUIREMENT IS SATISFIED**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined to review an initial determination (“ID”) (Order No. 53) of the presiding administrative law judge (“ALJ”) granting an unopposed motion for summary determination that the economic prong of the domestic industry requirement is satisfied, and on review to affirm in part the ID.

FOR FURTHER INFORMATION CONTACT: Edward S. Jou, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3316. 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: The Commission instituted this investigation on January 25, 2024, based on a complaint filed by Motorola Mobility LLC (“Complainant”) of Chicago, Illinois. 89 FR 4993 (Jan. 25, 2024). 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 cellular base station communication equipment, components thereof, and products containing same by reason of infringement of one or more of claims 11 and 14-20 of U.S. Patent No. 11,184,130 (“the ’130 patent”); claims 11-20 of U.S. Patent No. 11,601,896 (“the ’896 patent”); claims 1-10 and 12-15 of U.S. Patent No. 11,284,466 (“the ’466 patent”); and claims 12-19 of U.S. Patent No. 10,869,234 (“the ’234 patent”). *Id.* The Commission’s notice of investigation named as respondents Ericsson AB of Stockholm, Sweden; Telefonaktiebolaget LM Ericsson of

Stockholm, Sweden; and Ericsson Inc. of Plano, Texas (collectively, “Respondents”). *Id.* The Office of Unfair Import Investigations was also named as a party in this investigation. *Id.*

Claims 7-8, 10, 14, and 17-20 of the ’130 patent; claims 1-7, 9, 11-17, and 19 of the ’896 patent; claims 1-6, 8-11, 12-15, and 17-18 of the ’234 patent; and all asserted claims of the ’466 patent have been terminated from the investigation. *See* Order No. 14 (June 5, 2024), *unreviewed by* Comm’n Notice (June 28, 2024); Order No. 20 (July 18, 2024), *unreviewed by* Comm’n Notice (Aug. 14, 2024); Order No. 34 (Sept. 4, 2024), *unreviewed by* Comm’n Notice (Sept. 26, 2024); Order No. 37 (Oct. 3, 2024), *unreviewed by* Comm’n Notice (Oct. 28, 2024). The remaining asserted patents are the ’130 patent, ’896 patent, and ’234 patent.

On May 1, 2024, Complainant and Respondents filed a stipulation that Respondents would not dispute the economic prong of the domestic industry requirement.

On July 12, 2024, Complainant filed a motion for summary determination that it had satisfied the economic prong of the domestic industry requirement under 19 U.S.C. 1337(a)(3)(A) and (B). No responses to the motion were filed.

On March 3, 2025, the ALJ issued the subject ID granting the motion. No petitions for review of the ID were filed.

Having reviewed the record in this investigation, including the subject ID, the motion for summary determination and exhibits thereto, and the parties’ stipulation relating to economic domestic industry, the Commission has determined to review the subject ID in its entirety.

On review, the Commission has determined to affirm the ID’s findings regarding Motorola’s employment of labor. *See* ID at 15-17, 21-23. In particular, the Commission affirms the ID’s consideration of all of Motorola’s allocated domestic labor expenses. *Id.* at 15-17. The Commission also affirms the ID’s determination that Motorola’s employment of labor is qualitatively and quantitatively significant. *Id.* at 21-23. The Commission thus affirms the ID’s finding that there is no genuine issue of material fact regarding Motorola’s significant employment of labor and that Motorola is entitled to summary determination under Commission Rule 210.18 (19 CFR 210.18) that the economic prong of the domestic industry requirement is satisfied under section 337(a)(3)(B), provided that the Commission ultimately finds the technical prong satisfied with respect to the asserted patents. The Commission has determined to take no position on the other findings in the ID addressing investments in plant and equipment or employment of capital.¹

¹ Commissioner Kearns agrees with the Commission determination in this case that the economic prong of the domestic industry requirement is satisfied under section 337(a)(3)(B) based on Complainant’s investments in labor alone. Based on the undisputed facts in the record of this investigation, he would find that Complainant’s investments in domestic labor allocated to the domestic industry (DI) products are significant in the context of its global operations, in particular as a percentage of its overall global headcount. While he would prefer the comparison for purposes of determining significance under a value-added analysis be limited to global employees working on DI products (so as to not penalize complainants that may have significant

The Commission vote for this determination took place on April 2, 2025.

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 within a large, loopy oval shape.

Lisa R. Barton
Secretary to the Commission

Issued: April 2, 2025

investments in other products), limiting the global headcount to only those employees working on DI products would only show that the domestic investments are even more significant in this investigation.