

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-1397

**NOTICE OF COMMISSION DECISION NOT TO REVIEW
AN INITIAL DETERMINATION PARTIALLY TERMINATING THE
INVESTIGATION AS TO CERTAIN PATENT CLAIMS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined not to review an initial determination (“ID”) (Order No. 15) of the presiding Administrative Law Judge (“ALJ”) partially terminating the investigation as to certain patent claims based on withdrawal of the complaint as to those claims.

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 system (“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 April 16, 2024, the Commission instituted this investigation based on a complaint filed by Motorola Mobility LLC (“Motorola”) of Chicago, Illinois. 89 FR 26918-19 (Apr. 16, 2024). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“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 cellular base station communication equipment, components thereof, and products containing same, by reason of the infringement of claims 10-18 of U.S. Patent No. 11,076,304 (“the ’304 patent”) and claims 15-20 of U.S. Patent No. 11,711,706 (“the ’706 patent”). *Id.* The Commission’s notice of investigation named the following respondents: Ericsson AB and Telefonaktiebolaget LM Ericsson, both of Stockholm, Sweden; and Ericsson

Inc. of Plano, Texas. *Id.* The Office of Unfair Import Investigations was also named as a party in this investigation. *Id.*

On October 22, 2024, Motorola filed an unopposed motion (“Motion”) to terminate the investigation as to claims 3, 6-9, 12-14, and 18 of the ’304 patent and claims 3, 7-14, and 17-18 of the ’706 patent, based on the withdrawal of the complaint as to those claims. No response to the Motion was filed.

On October 23, 2024, the ALJ issued the subject ID (Order No. 15) granting the Motion. The ID notes that claims 3 and 6-9 of the ’304 patent and claims 3 and 7-14 of the ’706 patent were asserted solely for purposes of satisfying the technical prong of the domestic industry requirement. *See* ID at 1 n.1. The ID further notes that, in accordance with Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), Motorola represents that “other than the stipulations between the parties filed on EDIS in this Investigation, there are no agreements, written or oral, express or implied, between the parties concerning the subject matter of this Investigation.” *Id.* at 2. As to the public interest, the ID finds “no extraordinary circumstances preventing withdrawal of the identified claims.” *Id.* Accordingly, the ID finds that “the motion complies with the requirements of Commission Rule 210.21(a)(1).” *Id.*

No party filed a petition for review.

The Commission has determined not to review the subject ID. Claims 3, 6-9, 12-14, and 18 of the ’304 patent and claims 3, 7-14, and 17-18 of the ’706 patent are terminated from the investigation.

The Commission vote for this determination took place on November 15, 2024.

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: November 15, 2024