

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN ELECTRONIC DEVICES,
INCLUDING HANDHELD WIRELESS
COMMUNICATIONS DEVICES**

Investigation No. 337-TA-667
Investigation No. 337-TA-673

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANT’S MOTION THAT IT HAS MET
THE ECONOMIC PRONG OF THE DOMESTIC INDUSTRY REQUIREMENT**

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 the presiding administrative law judge’s (“ALJ”) initial determination (“ID”) (Order No. 49C) in consolidated Inv. Nos. 337-TA-667 and 337-TA-673, *Certain Electronic Devices Including Handheld Wireless Communications Devices*, granting complainant’s motion for summary determination that it has met the economic prong of the domestic industry requirement.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2301. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://edis.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: The Commission instituted Inv. No. 337-TA-667 (“the 667 Investigation”) on January 23, 2009, based on a complaint filed by Saxon Innovation, LLC of Tyler, Texas (“Saxon”). 74 *Fed. Reg.* 4231. The complaint, as amended and supplemented, 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, and the sale within the United States after importation of certain electronic devices, including handheld wireless communications devices, by reason of infringement of certain claims of U.S. Patent Nos. 5,235,635 (“the ‘635 patent’”); 5,530,597 (“the ‘597 patent’”); and 5,608,873 (“the ‘873 patent’”). The complaint further alleges the existence of a domestic industry related to each patent. The

Commission's notice of investigation named various respondents, including Palm, Inc. of Sunnyvale, California ("Palm").

The Commission instituted Inv. No. 337-TA-673 ("the 673 Investigation") on March 31, 2009, based on a complaint filed by Saxon. *74 Fed. Reg.* 14578-9. The complaint, as amended and supplemented, 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, and the sale within the United States after importation of electronic devices, including handheld wireless communications devices by reason of infringement of certain claims of the '635 patent, the '597 patent, and the '873 patent. The complaint further alleges the existence of a domestic industry related to each patent. The Commission's notice of investigation named as respondents Samsung Electronics Co., Ltd. of Seoul, Korea; Samsung Electronics America, Inc. of Ridgefield Park, New Jersey; and Samsung Telecommunications America, LLP of Richardson, Texas (collectively "Samsung").

On April 23, 2009, the ALJ issued Order No. 28 in the 667 Investigation and Order No. 8 in the 673 Investigation, consolidating the investigations. On May 13, 2009, the Commission determined not to review this consolidation.

On August 3, 2009, Saxon filed a motion for summary determination that it has met the economic prong of the domestic industry based on the activities of its licensee, Motorola, Inc. pursuant to 19 U.S.C. §1337(a)(3)(C). On August 13, 2009, Samsung and Palm (collectively "Respondents") filed an opposition to Saxon's motion. On August 31, 2009, the Commission investigative attorney ("IA") filed a response supporting Saxon's motion.

On October 15, 2009, the ALJ issued the subject ID, granting Saxon's motion for summary determination. On October 26, 2009, Respondents filed separate petitions for review of the ID. Saxon filed a consolidated opposition to Palm and Samsung's petitions on November 2, 2009. The IA filed a consolidated opposition to the petitions for review on November 3, 2009.

The Commission has determined not to review the ID.

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 section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: November 17, 2009