

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

In the Matter of

**CERTAIN WIRELESS
COMMUNICATION DEVICES,
PORTABLE MUSIC AND DATA
PROCESSING DEVICES, COMPUTERS
AND COMPONENTS THEREOF**

Investigation No. 337-TA-745

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION SETTING THE TARGET DATE FOR REMAND PROCEEDING**

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. 36) setting the target date for the remand proceeding in the above captioned investigation to April 22, 2013.

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) 205-1999. 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 this investigation on November 8, 2010, based on a complaint filed by Motorola Mobility, Inc. of Libertyville, Illinois ("Motorola"). 75 Fed. Reg. 68619-20 (Nov. 8, 2010). 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, and the sale within the United States after importation of certain wireless communication devices, portable music and data processing devices, computers and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 6,272,333 ("the '333 patent"); 6,246,862 ("the '862 patent"); 6,246,697 ("the '697 patent");

5,359,317 (“the ’317 patent”); 5,636,223 (“the ’223 patent”); and 7,751,826 (“the ’826 patent”). The complaint further alleges the existence of a domestic industry. The Commission’s notice of investigation named Apple Inc. of Cupertino, California as respondent. The Commission later partially terminated the investigation as to claim 1 of the ’317 patent. Notice (June 28, 2011). The Office of Unfair Import Investigation (“OUII”) was named as a participating party, however, on July 29, 2011, OUII withdrew from further participation in the investigation. See Commission Investigative Staff’s Notice of Nonparticipation (July 29, 2011). The Commission later determined to terminate the investigation, in part, as to the ’317 patent and to the ’826 patent. Notice (Dec. 17, 2011); Notice (Jan. 27, 2012).

On August 24, 2012, the Commission found no violation with respect to the ’333 patent, the ’697 patent, and the ’223 patent. *77 Fed. Reg. 52759-761* (Aug. 30, 2012). The Commission remanded the investigation to the ALJ with respect to the ’862 patent upon reversing his finding that the patent is invalid as indefinite. *Id.*; *see* Order (Aug. 24, 2012). Specifically, the Commission instructed the ALJ to make findings regarding infringement, validity, and domestic industry concerning the ’862 patent, and to issue a final initial remand determination (“RID”) on violation and a recommended determination on remedy and bonding. The Commission’s Order instructed the ALJ to set a new target as necessary to accommodate the remand proceedings.

On October 1, 2012, the ALJ issued the subject ID, setting the target date for completion of the remand proceedings to April 22, 2013. The ID indicated that the RID will be due no later than December 21, 2012. No petitions for review were filed.

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/
Lisa R. Barton
Acting Secretary to the Commission

Issued: October 18, 2012