

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN WIRELESS
COMMUNICATIONS EQUIPMENT
AND ARTICLES THEREIN**

Investigation No. 337-TA-866

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANTS' UNOPPOSED MOTION FOR
SUMMARY DETERMINATION WITH RESPECT TO 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. 41) granting the motion of complainants Samsung Electronics Co., Ltd. of Seoul, Republic of Korea, and Samsung Telecommunications America, LLC of Richardson, Texas (collectively "Samsung") that they have satisfied 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 this investigation on January 31, 2013, based on a Complaint filed by Samsung Electronics Co., Ltd. of Seoul, Republic of Korea, and Samsung Telecommunications America, LLC of Richardson, Texas (collectively "Samsung"). 78 *Fed. Reg.* 6837-38 (Jan. 31, 2013). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("section 337"), in the importation into the United States, the sale for importation, and the sale within the

United States after importation of certain wireless communications equipment and articles therein by reason of infringement of certain claims of U.S. Patent Nos. 7,782,749; 8,165,081; 8,208,438; 8,228,827; 6,617,929; 6,767,813 (“the ‘813 patent”); and 6,865,682. The complaint further alleges the existence of a domestic industry. The Commission’s notice of investigation named as respondents Ericsson Inc. of Plano, Texas and Telefonaktiebolaget LM Ericsson of Stockholm, Sweden (collectively “Respondents”). The Office of Unfair Import Investigations was also named as a party. The Commission previously terminated the investigation with respect to the ’813 patent. Notice (July 12, 2013); Order No. 30 (June 12, 2013).

On July 30, 2013, Samsung filed a motion for summary determination that it has satisfied the economic prong of the domestic industry requirement under section 337(a)(3)(A), (B), and (C) (19 U.S.C. § 1337(a)(3)(A)-(C)). The motion indicated that Respondents did not oppose the motion. On August 5, 2013, the Commission investigative attorney informed the ALJ’s office that she did not oppose the motion.

On September 11, 2013, the ALJ issued the subject ID, granting Samsung’s motion pursuant to section 210.18 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.18). The ALJ found that there are sufficient undisputed facts to support a finding that Samsung has made significant investment in plant and equipment, significant investment employment of labor and capital, and substantial investment in research and engineering related to the Asserted Patents. 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.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is fluid and cursive, with the first name "Lisa" being the most prominent part.

Lisa R. Barton
Acting Secretary to the Commission

Issued: October 22, 2013