

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

**In the Matter of**

**CERTAIN WIRELESS DEVICES WITH 3G  
AND/OR 4G CAPABILITIES AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-868**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN  
INITIAL DETERMINATION FINDING NO VIOLATION  
OF SECTION 337 AS TO U.S. PATENT NO. 7,616,970**

**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. 89) finding no violation of section 337 as to U.S. Patent No. 7,616,970 ("the '970 patent").

**FOR FURTHER INFORMATION CONTACT:** Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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 February 5, 2013, based on a complaint filed by InterDigital Communications, Inc. of King of Prussia, Pennsylvania, as well as InterDigital Technology Corporation, IPR Licensing, Inc., and InterDigital Holdings, Inc., each of Wilmington, Delaware (collectively, "InterDigital"). 78 *Fed. Reg.* 8191 (Feb. 5, 2013). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended 19 U.S.C. § 1337, in the importation, sale for importation, and sale within the United States after importation of certain wireless devices and components thereof, by reason of the infringement of certain claims from seven United States Patents, including the '970 patent. The notice of institution named ten respondents including Samsung Electronics Co., Ltd. of

Gyeonggi-do, Republic of Korea, and Samsung Electronics America, Inc. of Ridgefield Park, New Jersey (collectively, “Samsung”).

InterDigital previously asserted the '970 patent in an earlier investigation against different respondents. The Commission terminated that investigation as to certain respondents with a finding that the claims of the '970 patent are invalid in view of the prior art. *Certain Wireless Devices with 3G Capabilities and Components Thereof*, Inv. No. 337-TA-800, Comm'n Op. 2, 40 (Dec. 20, 2013). On January 9, 2014, Samsung moved for summary determination of no violation of the '970 patent owing to the Commission's previous final determination that the '970 patent claims are invalid. InterDigital acquiesced to the motion, but filed a response in order to preserve its future rights should the Commission's invalidity finding in the 800 investigation be reversed on appeal. The Commission investigative attorney (“IA”) supported the motion. On January 15, 2014, the ALJ granted the motion as an ID. Order No. 89.

On January 27, 2014, InterDigital filed a petition for review purporting to “reserve its right to appeal and seek reversal of the Commission's clearly erroneous conclusions in the 800 Investigation and in any appeal in *this* investigation.” Pet. 3. Samsung and the IA responded that review is unwarranted.

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 Part 210 of the Commission's Rules of Practice and Procedure (19 C.F.R. Part 210).

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: February 11, 2014