

**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 THAT SAMSUNG  
DOES NOT INFRINGE U.S. PATENT NO. 7,502,406**

**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. 91) finding that the Samsung respondents do not infringe U.S. Patent No. 7,502,406 ("the '406 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 '406 patent. The notice of investigation 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 '406 patent in an earlier investigation against different respondents. The Commission terminated that investigation with a finding that the respondents there did not infringe the claims of the '406 patent. *Certain Wireless Devices with 3G Capabilities and Components Thereof*, Inv. No. 337-TA-800, Comm'n Op. 2, 35-40 (Dec. 20, 2013).

On December 6, 2013, Samsung moved for summary determination that Samsung does not infringe the '406 patent in view of identical noninfringement determinations made in the earlier investigation. On December 18, 2013, InterDigital filed a response opposing the motion, and the Commission investigative attorney filed a response in support of the motion. On January 15, 2014, *i.e.*, after the Commission itself decided the noninfringement issue in the earlier investigation, Samsung and InterDigital submitted a joint stipulation under which the parties agreed to the termination of the '406 patent by summary determination of non-infringement. On January 24, 2014, the ALJ granted the motion as an ID. Order No. 91.

On January 31, 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.



Lisa R. Barton  
Acting Secretary to the Commission

Issued: February 24, 2014