

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 NOS. 7,706,830 AND 8,009,636**

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. 96) finding that the Samsung respondents do not infringe U.S. Patent Nos. 7,706,830 ("the '830 patent") and 8,009,636 ("the '636 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 U.S. Patent No. 7,190,966 ("the '966 patent"), U.S. Patent No. 7,286,847 ("the '847 patent"), and the '830 and '636

patents (collectively, the “Power Ramp-Up Patents”). 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”). The ’830 and ’636 patents are asserted only against Samsung; the ’966 and ’847 patents are asserted against Samsung and other respondents.

InterDigital previously asserted the ’966 and ’847 patents against other respondents in *Certain 3G Mobile Handsets and Components Thereof*, Inv. No. 337-TA-613. Certain Commission claim constructions were reversed on appeal, *see InterDigital Commc’ns, LLC v. ITC*, 690 F.3d 1318 (Fed. Cir. 2012), and remand proceedings are pending at the Commission, *see Certain 3G Mobile Handsets and Components Thereof*, Inv. No. 337-TA-613, Notice of Comm’n Determination to Remand Investigation to the Chief Administrative Law Judge Pursuant to Remand from the U.S. Court of Appeals for the Federal Circuit (Feb. 12, 2014). InterDigital previously asserted the ’830 and ’636 patents against other respondents *Certain Wireless Devices with 3G Capabilities and Components Thereof*, Inv. No. 337-TA-800. The Commission terminated that investigation with a finding that the claims of these patents were not infringed, based substantially upon a construction of the claim term “successively sends transmissions.” *Certain Wireless Devices with 3G Capabilities and Components Thereof*, Inv. No. 337-TA-800, Comm’n Op. 2, 19-29 (Dec. 20, 2013). The Commission’s findings in that investigation (as to numerous asserted patents) are on appeal.

On December 12, 2013, Samsung moved for summary determination that Samsung does not infringe the Power Ramp-Up Patents; other respondents subsequently joined the motion as to the ’966 and ’847 patents, which were also asserted against them. On January 2, 2014, InterDigital filed a response opposing the motion as to the ’966 and ’847 patents, and the Commission investigative attorney (“IA”) filed a response in support of the motion as to all the Power-Ramp-Up Patents. On February 5, 2014, the ALJ granted as an ID the motion in part, as to the ’830 and ’636 patents. Order No. 96 at 10-11. He denied the motion as to the ’966 and ’847 patents because the parties “dispute both the appropriate claim construction and the application of that claim construction to the products at issue.” *Id.* at 10.

On February 14, 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. No other petitions or responses were received.

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', with a large, stylized flourish at the end.

Lisa R. Barton
Acting Secretary to the Commission

Issued: March 5, 2014