

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN MOBILE ELECTRONIC
DEVICES AND RADIO FREQUENCY
AND PROCESSING COMPONENTS
THEREOF (II)**

Inv. No. 337-TA-1093

**NOTICE OF ISSUANCE OF INITIAL DETERMINATION ON VIOLATION OF
SECTION 337**

Administrative Law Judge MaryJoan McNamara

(March 26, 2019)

I have issued today in this Investigation the Final Initial Determination (“ID”) on Violation of Section 337 of the Tariff Act, as amended, 19 U.S.C. § 1337 (“Section 337”).

I have found that Complainant, Qualcomm Incorporated (“Qualcomm”), has proven by a preponderance of evidence that Respondent, Apple, Inc. (“Apple”), has violated subsection (b) of Section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain mobile electronic devices containing processing components.

I have found that Apple has infringed asserted claim 1, but not asserted claim 8, of U.S. Patent No. 8,063,674 (“the ’674 patent”). I have found that claims 1 and 8 of the ’674 patent are valid.

I have found that Apple has not infringed asserted claims 1 and 17 of U.S. Patent No. 9,154,356 (“the ’356 patent”). While Apple’s accused products satisfy these claims, I have found that claims 1 and 17 of the ’356 patent are invalid.

I have found that Apple has not infringed asserted claim 4 of U.S. Patent No. 9,473,336 (“the ’336 patent”). I have found that claim 4 of the ’336 patent is valid.

I have found that one or more of Qualcomm’s domestic industry products satisfy the technical prong of the domestic industry requirement for the ’356 and ’674 patents. I have found that none of Qualcomm’s domestic industry products satisfy the technical prong of the domestic industry requirement for the ’336 patent.

I have found that Qualcomm has satisfied the economic prong of the domestic industry requirement under Section 337(a)(3)(A), (B), and (C) with respect to the ’336 patent.

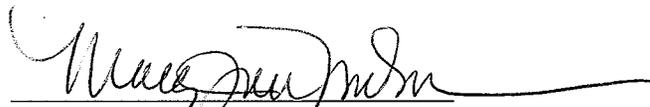
Qualcomm has satisfied the economic prong of the domestic industry requirement under Section 337(a)(3)(A), (B), and (C) through a successful motion for summary determination with respect to the ’356 and ’674 patents. (*See* Order No. 36 (Aug. 24, 2018); Order No. 46 (Nov. 19, 2018); Doc. ID No. 664412 (Comm’n Determination Not to Review ID Granting Summary Determination) (Dec. 17, 2018).).

A complete recommendation on remedy and bond will be forthcoming together with findings of fact and an analysis of the effects of the public interest factors on the issue of remedy pursuant to 19 C.F.R § 210.42(a)(1)(ii)(A), (B), and (C).

However, it should be noted that I will be recommending that a limited exclusion order together with a cease and desist order, both with certification provisions, issue against Apple.

A bond will not be recommended during the Presidential Review Period since Qualcomm’s products do not directly compete with the Accused 674 Devices that contain the Apple processors that have been found to infringe the ’674 patent.

SO ORDERED.


MaryJoan McNamara
Administrative Law Judge