

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

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

Investigation No. 337-TA-1093

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO
TWO ASSERTED PATENTS AND CERTAIN OTHER ASSERTED PATENT CLAIMS
BASED ON WITHDRAWAL OF THE COMPLAINT**

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. 37), granting two motions to partially terminate the investigation on the basis of withdrawal of the complaint.

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 <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 8, 2018, based on a complaint filed by Qualcomm Incorporated of San Diego, California ("Qualcomm"). 83 FR 834 (Jan. 8, 2018). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 by reason of the infringement of claims 1, 7, 8, 10, 11, 17, and 18 of U.S. Patent No. 9,154,356 ("the '356 patent"); claim 4 of U.S. Patent No. 9,473,336 ("the '336 patent"); claims 1, 5-8, 12, 16-18, and 21-22 of U.S. Patent No. 8,063,674 ("the '674 patent"); claims 1-4, 7-9, 11, 17, 20-23, 31-33, and 36 of U.S. Patent No. 7,693,002 ("the '002 patent"); and claims 1-3, 10-12, 18, and 22-24 of U.S. Patent No. 9,552,633 ("the '633

patent”). *Id.* The notice of investigation named as the respondent Apple Inc. of Cupertino, California. *Id.* at 835. The Office of Unfair Import Investigations was also named as a party. *Id.*

On August 7, 2018, Qualcomm moved to terminate the investigation based upon withdrawal of the complaint as to claims 7, 8, 10, 11, and 18 of the '356 patent; claims 6, 7, 12, 16-18, 21, and 22 of the '674 patent; claims 1-4, 7-9, 11, 17, 20-23, 31-33, and 36 of the '002 patent; and claims 3, 10, 11, 12, 23, and 24 of the '633 patent. On August 22, 2018, Qualcomm moved to terminate the investigation based upon withdrawal of the complaint as to claims 1, 2, 18, and 22 of the '633 patent. Both motions were unopposed.

On August 27, 2018, the presiding ALJ granted the motions as an ID (Order No. 37). The ID finds that the motions comply with Commission Rule 201.21(a), 19 CFR 210.21(a), and that no extraordinary circumstances exist that would prevent termination of the investigation as to the specified patent claims. ID at 3-4.

As a result of the ID, all asserted claims of the '002 patent and '633 patent are terminated from the investigation. The following claims remain within the scope of the investigation: claims 1 and 17 of the '356 patent; claim 4 of the '336 patent; and claims 1, 5, and 8 of the '674 patent.

No petitions for review of the ID 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 Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: September 20, 2018