

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 AN ASSERTED PATENT CLAIM
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. 43), granting a motion 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; and claims 1-3, 10-12, 18, and 22-24 of U.S. Patent No. 9,552,633. *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.*

As a result of a previous initial determination, the investigation had been narrowed to claims 1 and 17 of the '356 patent; claim 4 of the '336 patent; and claims 1, 5, and 8 of the '674 patent. Order No. 37 (Aug. 27, 2018), *not reviewed*, Notice (Sept. 20, 2018).

On September 27, 2018, Qualcomm filed a corrected unopposed motion to terminate the investigation as to claim 5 of the '674 patent. On October 3, 2018, the presiding ALJ granted the motion as an ID (Order No. 43). The ID finds that the motion complies with Commission Rule 210.21(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 2-3.

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: October 29, 2018