

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 DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING A SUMMARY DETERMINATION THAT THE
ECONOMIC PRONG OF THE DOMESTIC INDUSTRY REQUIREMENT IS
SATISFIED WITH RESPECT TO TWO PATENTS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“the Commission”) has determined not to review an initial determination (“ID”) (Order No. 46) granting a summary determination that the complainants satisfied the economic prong of the domestic industry requirement with respect to two patents.

FOR FURTHER INFORMATION CONTACT: Robert J. Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202-205-2382. 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 SW., Washington, DC 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’s TDD terminal, telephone 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 (“Apple). *Id.* at 835. The Office of Unfair Import Investigations (“OUII”) was also named as a party. *Id.*

As a result of previous initial determinations, the investigation had been narrowed to claims 1 and 17 of the ’356 patent; claim 4 of the ’336 patent; and claims 1 and 8 of the ’674 patent. Order No. 37 (Aug. 27, 2018), not reviewed, Notice (Sept. 20, 2018); Order No. 43 (Oct. 3, 2018), not reviewed Notice (Oct. 29, 2018).

On July 19, 2018, Qualcomm moved for a summary determination that it satisfied the economic prong of the domestic industry requirement with respect to the ’356 and ’674 patents. On July 30, 2018, Apple filed a response in opposition to the motion, and OUII filed a response in support of the motion.

On November 19, 2018, the presiding administrative law judge (“ALJ”) issued the subject ID, granting the motion for a summary determination that the economic prong of the domestic industry requirement was satisfied. No party petitioned for review of the subject ID.

The Commission has determined not to review the subject 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: December 17, 2018