

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN LTE-COMPLIANT
CELLULAR COMMUNICATION
DEVICES**

Investigation No. 337-TA-1253

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION GRANTING COMPLAINANT’S MOTION TO
PARTIALLY TERMINATE THE INVESTIGATION AS TO U.S. PATENT NO.
10,517,120**

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 an initial determination (“ID”) (Order No. 15) of the presiding Administrative Law Judge (“ALJ”) granting complainant’s motion to terminate all asserted claims of U.S. Patent No. 10,517,120 (“the ’120 patent”) from this investigation.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436, telephone (202) 205-2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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: On March 8, 2021, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by Evolved Wireless, LLC of Austin, Texas (“Evolved”). 86 FR 13399-400 (Mar. 8, 2021). The complaint alleges a violation 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 LTE-compliant cellular communication devices by reason of infringement of certain claims of U.S. Patent Nos. RE46,679 and RE48,326, and the ’120 patent. The complaint also alleges the existence of a domestic industry. The notice of investigation names Samsung Electronics Co., Ltd. of Gyeonggi-Do, Republic of Korea; Samsung Electronics America, Inc. of Ridgefield Park, New Jersey; and Motorola Mobility LLC of Chicago, Illinois

as respondents. *Id.* at 13400. The Commission’s Office of Unfair Import Investigations (“OUII”) is also named as a party in this investigation. *Id.*

On August 24, 2021, complainant Evolved filed an unopposed motion to terminate all asserted claims of the ’120 patent from the investigation by reason of withdrawal under Commission Rule 210.21(a) (19 CFR 210.21(a)). The Motion represents that “Respondents do not oppose this Motion.” Mot. at 1. On August 26, 2021, OUII filed a statement in support of the motion.

On August 26, 2021, the ALJ issued an ID (Order No. 15) granting complainant’s motion. The ID finds that there are no extraordinary circumstances that would prevent the requested partial termination of this investigation. The ID also finds Evolved has complied with the requirements of Commission Rule 210.21(a). No party petitioned for review of the ID.

The Commission has determined not to review the subject ID. The ’120 patent is terminated from the investigation.

The Commission vote for this determination took place on September 24, 2021.

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 24, 2021