

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 EVOLVED WIRELESS
LLC'S MOTION TO PARTIALLY TERMINATE THE INVESTIGATION AS TO
CERTAIN CLAIMS OF U.S. PATENT NO. RE48,326**

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. 26) of the presiding Administrative Law Judge ("ALJ") granting complainant's motion to partially terminate the investigation as to certain claims of U.S. Patent No. RE48,326 based on withdrawal of complaint allegations.

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 10,517,120 ("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.* Subsequently, the Commission terminated all asserted claims of the ‘120 patent from the investigation by reason of withdrawal. Order No. 15 (Aug. 26, 2021), *unreviewed* by Notice (Sep. 24, 2021).

On December 1, 2021, complainant Evolved filed an unopposed motion to terminate claims 19 and 20 of U.S. Patent No. RE48,326 from this investigation by reason of withdrawal under Commission Rule § 210.21(a), 19 C.F.R. § 210.21(a). On December 3, 2021, the Commission investigative attorney filed a statement in support of the motion.

On December 3, 2021, the ALJ issued the subject ID (Order No. 26) 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. Claims 19 and 20 of U.S. Patent No. RE48,326 are terminated from the investigation.

The Commission vote for this determination took place on December 20, 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: December 20, 2021