

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C.**

**In the Matter of**

**CERTAIN MOBILE TELEPHONES,  
TABLET COMPUTERS WITH  
CELLULAR CONNECTIVITY, AND  
SMART WATCHES WITH CELLULAR  
CONNECTIVITY, COMPONENTS  
THEREOF, AND PRODUCTS  
CONTAINING SAME**

**Investigation No. 337-TA-1299**

**NOTICE OF A COMMISSION DETERMINATION EXTENDING THE TIME TO  
DETERMINE WHETHER TO REVIEW AN INITIAL DETERMINATION**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined to extend the time to determine whether to review an initial determination (“ID”) (Order No. 22) of the presiding administrative law judge (“ALJ”), granting-in-part summary determination that the complainants have satisfied the economic prong of the domestic industry requirement as to the asserted patents to February 16, 2023.

**FOR FURTHER INFORMATION CONTACT:** Benjamin S. Richards, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 708-5453. 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](mailto: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:** The Commission instituted this investigation on February 24, 2022. 87 FR 10384 (Feb. 24, 2022). The complaint, as filed and supplemented by Ericsson Inc. of Plano, TX and Telefonaktiebolaget LM Ericsson of Stockholm, Sweden (collectively, “Ericsson”), alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain mobile telephones, tablet computers with cellular connectivity, and smart watches with cellular connectivity, components thereof, and

products containing same by reason of infringement of certain claims of U.S. Patent No. 8,102,805 (“the ’805 patent”); U.S. Patent No. 9,532,355 (“the ’355 patent”); U.S. Patent No. 11,139,872 (“the ’872 patent”); and U.S. Patent No. 10,425,817 (“the ’817 patent”). *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission’s notice of investigation named Apple, Inc. of Cupertino, CA as the sole respondent. *Id.* at 10385. The Office of Unfair Import Investigations is participating in the investigation. *Id.*

On August 22, 2022, Ericsson moved unopposed for summary determination that it satisfied the economic prong of the domestic industry requirement of section 337 with respect to each of the four asserted patents based on showings pursuant to section 337(a)(3)(A) and (B).

On November 15, 2022, the ALJ issued the subject ID, which granted Ericsson’s motion in part. Specifically, the ID granted summary determination that Ericsson satisfied the economic prong of the domestic industry requirement for the ’805, ’355, and ’872 patents based on showings under 337(a)(3)(A) and (B). For the ’817 patent, the ID found that Ericsson satisfied the economic prong of the domestic industry requirement based on its showing under section 337(a)(3)(A) only. The ID found that a genuine issue of material fact precluded granting summary determination as to the ’817 patent based on Ericsson’s showing under section 337(a)(3)(B). No petitions for review of the ID were filed.

On December 12, 2022, the ALJ issued Order No. 25, which granted Ericsson and Apple’s joint motion to stay the procedural schedule in this investigation in light of a settlement agreement resolving the underlying disputes in this investigation. The joint motion indicates, among other things, that “Ericsson and Apple will promptly file a motion to terminate [the investigation] based on the [settlement] Agreement.” *Jt. Mot.*, 1 (Dec. 9, 2022) (EDIS Doc. ID 786074). Given that the procedural schedule has been stayed in this investigation and that the parties have represented that a motion to terminate the investigation is forthcoming, on December 15, 2022, the Commission determined to extend the time to determine whether to review the subject ID from December 15, 2022, to January 16, 2023.

Because the parties have yet to file a motion to terminate the investigation based on their settlement, the Commission has determined to further extend the time to determine whether to review the subject ID from January 16, 2023, to February 16, 2023.

The Commission vote for this determination took place on January 13, 2023.

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.



Katherine M. Hiner  
Acting Secretary to the Commission

Issued: January 13, 2023