

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN MOBILE PHONES, TABLET
COMPUTERS, SMART WATCHES, SMART
SPEAKERS, AND DIGITAL MEDIA PLAYERS,
AND PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-1300

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION PARTIALLY TERMINATING THE INVESTIGATION
AS TO TWO PATENTS AND CERTAIN OTHER PATENT CLAIMS
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 an initial determination (“ID”) (Order No. 25) of the presiding Administrative Law Judge (“ALJ”) partially terminating the investigation as to U.S. Patent Nos. 9,705,400 (“the ’400 patent”) and 9,853,621 (“the ’621 patent”) and certain other patent claims based on withdrawal of the complaint as to those patents and claims.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. 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 February 24, 2022, 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 Ericsson Inc. of Plano, Texas, and Telefonaktiebolaget LM Ericsson of Stockholm, Sweden (collectively, “Complainants”). *See* 87 FR 10385-86 (Feb. 24, 2022). The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile phones, tablet computers, smart watches, smart speakers, and digital media players, and products containing same by reason of infringement of certain claims of U.S. Patent Nos. 7,151,430 (“the ’430 patent”); 9,509,273 (“the ’273 patent”); and 7,957,770 (“the ’770 patent”); and the ’621 and ’400 patents. *See id.* The notice of investigation names

Apple, Inc. of Cupertino, California, as the respondent in the investigation. *See id.* The Office of Unfair Import Investigations is also a party to the investigation. *See id.*

On November 18, 2022, Complainants filed a motion (Motion) to partially terminate the investigation as to: (1) all asserted claims of the '400 patent; (2) all asserted claims of the '621 patent; (3) claims 11 and 12 of the '430 patent; (4) claims 1 and 7 of the '273 patent; and (5) claims 4, 8-10, 12, 15, and 16 of the '770 patent based on withdrawal of the complaint as to those patents and claims. No response to the Motion was filed.

On November 21, 2022, the ALJ issued the subject ID (Order No. 25) granting the Motion. In accordance with Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), Complainants represent that “there are no agreements, written or oral, express or implied, between the parties concerning the subject matter of this Investigation.” *See ID at 2.* In addition, the ID finds no extraordinary circumstances that would justify denying Complainants’ Motion. *See id.*

No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID. The '400 and '621 patents are terminated in their entirety from the investigation. In addition, claims 11 and 12 of the '430 patent, claims 1 and 7 of the '273 patent, and claims 4, 8-10, 12, 15, and 16 of the '770 patent, are terminated from the investigation.

The Commission’s vote for this determination took place on December 16, 2022.

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: December 16, 2022