

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MOBILE PHONES AND
TABLET COMPUTERS, ALL WITH
SWITCHABLE CONNECTIVITY**

Investigation No. 337-TA-1301

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION GRANTING COMPLAINANTS ERICSSON, INC. AND
TELEFONAKTIEBOLAGET LM ERICSSON'S UNOPPOSED MOTION FOR
PARTIAL TERMINATION OF THE INVESTIGATION**

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. 23) of the presiding Administrative Law Judge (“ALJ”) granting complainants Ericsson, Inc. and Telefonaktiebolaget LM Ericsson’s unopposed motion for partial termination of the investigation.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., 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 February 24, 2022, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on a complaint filed by Ericsson Inc. of Plano, Texas and Telefonaktiebolaget LM Ericsson of Stockholm, Sweden (collectively, “Ericsson” or “Complainants”). 87 FR 10386-87 (Feb. 24, 2022). The complaint alleged 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 mobile phones and tablet computers, all with switchable connectivity, and products containing same by reason of infringement of certain claims of U.S. Patent Nos. 8,792,454; 10,880,794 (“the ’794 patent”); and 8,472,999 (“the ’999 patent”). *Id.* at 10386. The complaint also alleged the existence of a domestic industry.

The notice of investigation named as a respondent Apple Inc. of Cupertino, California (“Apple”). *Id.* The Commission’s Office of Unfair Import Investigations (“OUII”) is also named as a party in this investigation. *Id.* at 10386-87.

On July 29, 2022, Complainants moved to terminate certain asserted patent claims from this investigation by reason of withdrawal under 19 CFR 210.21(a). Specifically, Ericsson seeks to terminate all asserted claims of the ’794 patent and claims 11-17 of the ’999 patent. Mot. at 1. The motion represents that “Respondent [Apple] confirmed it will not oppose.” *Id.* at 2. On August 3, 2022, OUII indicated that it would not be filing a response. Ericsson contends that termination of these claims will “simplify the issues for the ALJ, [OUII] and the parties” and “serv[e] the public interest by saving the Commission’s, the ALJ’s, and the parties[’] time and resources.” Mot. at 1. In satisfaction of Commission Rule 210.21(a), Ericsson states that “there are no agreements, written or oral, express or implied, between the parties concerning the subject matter of this Investigation.” *Id.* at 2.

On August 3, 2022, the ALJ issued the subject ID (Order No. 23) granting the motion. The ID noted found that there are no extraordinary circumstances that would prevent the requested partial termination of this investigation, and that Ericsson complied with the requirements of Commission Rule 210.21(a). *Id.* at 2. No party petitioned for review of the ID.

The Commission has determined not to review the subject ID. Accordingly, all asserted claims of the ’794 patent and claims 11-17 of the ’999 patent have been terminated from this investigation. *Id.* at 2.

The Commission vote for this determination took place on September 1, 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: September 1, 2022