

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN CELLULAR BASE STATION
COMMUNICATION EQUIPMENT,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-1302

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION SETTING A 16.5-MONTH TARGET DATE**

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. 5) of the presiding administrative law judge (“ALJ”) setting a 16.5-month target date of July 10, 2023, for completion of the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3179. 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, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: On February 25, 2022, the Commission instituted this investigation based on a complaint filed by Apple Inc. (“Apple”) of Cupertino, California. 87 FR 10819 (Feb. 25, 2022). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain cellular base station communication equipment, components thereof, and products containing same by reason of infringement of certain claims of U.S. Patent Nos. 9,882,282; 10,263,340; and 9,667,290. *Id.* The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation named three respondents: Ericsson AB and Telefonaktiebolaget LM Ericsson, both of

Stockholm, Sweden, and Ericsson Inc. of Plano, Texas (collectively, “Ericsson”). *Id.* The Office of Unfair Import Investigations is also named as a party. *Id.*

On March 18, 2022, the parties filed a joint submission regarding scheduling and discovery pursuant to Order No. 3. In that joint submission, (i) Apple proposes a target date of “no more than sixteen (16) months,” (ii) Ericsson proposes a target date of “at least 17 months,” and (iii) OUII states that it prefers a 16-month target date.


On April 5, 2022, the ALJ issued the subject ID setting a target date of July 10, 2023. The ID finds that a target date of “approximately 16.5 months” is warranted because the evidentiary hearing is set for December 4–9, 2022, and the “parties agree that a target date of at least 16 months is appropriate.” ID at 2. No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID. Accordingly, the target date is July 10, 2023, and the final ID is due on March 10, 2023.

The Commission vote for this determination took place on April 25, 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.



Lisa R. Barton
Secretary to the Commission

Issued: April 25, 2022