

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 TERMINATING THE INVESTIGATION
WITH RESPECT TO A PATENT AND ADDITIONAL PATENT CLAIMS**

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) issued by the presiding administrative law judge (“ALJ”) in the above-captioned investigation. The ID terminates the investigation with respect to U.S. Patent No. 9,882,282 (“the ’282 patent”) and additional patent claims based on the complainant’s partial withdrawal of the complaint.

FOR FURTHER INFORMATION CONTACT: Robert Needham, 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 25, 2022, the Commission instituted this investigation based on a complaint, as amended, filed on behalf of Apple Inc. of Cupertino, California (“Apple”). 87 FR 10819 (Feb. 25, 2022). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain cellular base station communication equipment, components thereof, and products containing same that infringe claims 1-3, 11, and 12 of the ’282 patent; claims 1-4, 6-10, 18, 19, and 21 of U.S. Patent No. 10,263,340 (“the ’340 patent”); and claims 1-6, 13 and 14 of U.S. Patent No. 9,667,290 (“the ’290 patent”). *Id.* The complaint also alleges that a domestic industry exists. *Id.* The Commission’s notice of investigation names as respondents Ericsson AB of Stockholm, Sweden, and Ericsson Inc. of Plano, Texas (together, “Ericsson”). *Id.* The Office of Unfair Import Investigations is participating in this investigation on the issues of

remedy, the public interest, and bonding. Commission Investigative Staff's Notice of Partial Participation (Mar. 7, 2022).

On November 23, 2022, Apple filed an unopposed motion to terminate the investigation with respect to claims 7, 8, and 12 of the '282 patent; claims 2, 6, 7, 9, 11-18, 22, and 23 of the '340 patent; and claims 6, 10, 12, and 15 of the '290 patent based on a partial withdrawal of the complaint. On December 5, 2022, Apple filed an unopposed amended motion to terminate the investigation with respect to the '282 patent in its entirety, as well as claims 2, 6, 7, 9, 11-18, 22, and 23 of the '340 patent and claims 6, 10, 12, and 15 of the '290 patent, all based on a partial withdrawal of the complaint. No party filed a response to the motion.

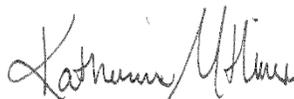
On December 8, 2022, the ALJ issued the subject ID pursuant to Commission Rule 210.21(a) (19 CFR 210.21(a)) granting the amended motion and terminating the investigation with respect to the '282 patent in its entirety; claims 2, 6, 7, 9, 11-18, 22, and 23 of the '340 patent; and claims 6, 10, 12, and 15 of the '290 patent. The ALJ noted that, while the Notice of Investigation does not name claims 11-17, 22, and 23 of the '340 patent and claims 10, 12, and 15 of the '290 patent as a part of this investigation, Apple stated that the claims were included in the motion because Apple was withdrawing its intent to rely upon those claims to satisfy the domestic industry requirement. No party petitioned for review of the subject ID.

The Commission has determined not to review the subject ID. The entirety of the '282 patent, claims 2, 6, 7, 9, 18, 22, and 23 of the '340 patent, and claims 6, 10, 12, and 15 of the '290 patent are hereby terminated from this investigation. The Commission also notes that Apple has withdrawn any reliance on claims 11-17, 22, and 23 of the '340 patent and claims 10, 12, and 15 of the '290 patent for the purposes of establishing the domestic industry requirement.

The Commission vote for this determination took place on December 21, 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 21, 2022