

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN LOCATION-SHARING
SYSTEMS, RELATED SOFTWARE,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-1347

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO RESPONDENT
KYOCERA CORPORATION BASED ON SETTLEMENT**

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. 19) of the presiding administrative law judge (“ALJ”) granting complainants and respondent Kyocera Corporation’s (“Kyocera”) unopposed joint motion to terminate the investigation as to Kyocera based on settlement.

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: The Commission instituted this investigation on December 30, 2022, based on a complaint filed by Advanced Ground Information Systems, Inc. of Jupiter, Florida and AGIS Software Development LLC of Marshall, Texas (collectively, “AGIS”). 87 FR 80568-69 (Dec. 30, 2022). The complaint, as supplemented, 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, and the sale within the United States after importation of certain location-sharing systems, related software, components thereof, and products containing same by reason of the infringement of certain claims of U.S. Patent Nos.

8,213,970 (“the ’970 patent”); 9,445,251 (“the ’251 patent”); 9,467,838 (“the ’838 patent”); 9,749,829 (“the ’829 patent”); and 9,820,123 (“the ’123 patent”). *Id.* at 80568. The complaint further alleges that a domestic industry exists. *Id.*

The notice of investigation named 26 respondents: Google LLC of Mountain View, California; Samsung Electronics, Co., Ltd. of Suwon, Republic of Korea; Samsung Electronics America, Inc. of Ridgefield Park, New Jersey; OnePlus Technology (Shenzhen) Co., Ltd. of Shenzhen, Guangdong, China; TCL Technology Group Corporation of Huizhou, Guangdong, China; TCL Electronics Holdings Limited of Hong Kong Science Park, Hong Kong; TCL Communication Technology Holdings Limited of Hong Kong Science Park, Hong Kong; TCT Mobile (US) Inc. of Irvine, California; Lenovo Group Ltd. of Beijing, China; Lenovo (United States) Inc. of Morrisville, North Carolina; Motorola Mobility LLC of Chicago, Illinois; HMD Global of Espoo, Finland; HMD Global OY of Espoo, Finland; HMD America, Inc. of Miami, Florida; Sony Corporation of Tokyo, Japan; Sony Mobile Communications, Inc. of Tokyo, Japan; ASUSTek Computer Inc. of Taipei, Taiwan; ASUS Computer International of Fremont, California; BLU Products of Doral, Florida; Panasonic Corporation of Osaka, Japan; Panasonic Corporation of North America of Secaucus, New Jersey; Kyocera of Kyoto, Japan; Xiaomi Corporation of Grand Cayman, Cayman Islands; Xiaomi H.K. Ltd. of Kowloon City, Hong Kong; Xiaomi Communications Co., Ltd. of Beijing, China; and Xiaomi Inc. of Beijing, China. *Id.* at 80569. The Office of Unfair Import Investigations (“OUII”) is also named as a party. *Id.*

On February 17, 2023, the Commission amended the complaint and notice of investigation to substitute Panasonic Holdings Corporation in place of named respondent Panasonic Corporation. Order No. 7 (Feb. 1, 2023), *unreviewed by* 88 FR 11477 (Feb. 23, 2023). On June 6, 2023, the Commission terminated the investigation as to the following asserted claims based on withdrawal: (i) claim 2 of the ’970 patent; (ii) claims 1-2, 7-8, 23, 25, 29-30, and 35 of the ’251 patent; (iii) claims 3, 5-8, 10, 16, 19, 38, 40, 55-56, 61-64, 68, 71-72, 80 and 84 of the ’838 patent; (iv) claims 1, 8, 34, and 41 of the ’829 patent; and (v) claim 14 of the ’123 patent. Order No. 16 (May 17, 2023), *unreviewed by* Comm’n Notice (June 6, 2023).

On May 22, 2023, AGIS and Kyocera filed a joint motion to, inter alia, terminate the investigation as to Kyocera based on a settlement agreement. On May 24, 2023, OUII filed a response supporting the motion. No other responses to the motion were filed.

On June 2, 2023, the ALJ issued the subject ID (Order No. 19) granting the joint motion to terminate. The ID finds that the motion complies with the requirements of Commission Rule 210.21(b)(1) (19 CFR 210.21(b)(1)), and that the proposed settlement does not adversely affect the public interest in accordance with Commission Rule 210.50(b)(2) (19 CFR 210.50(b)(2)). ID at 2-3. No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID. The investigation is terminated as to Kyocera.

The Commission vote for this determination took place on June 27, 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.

A handwritten signature in black ink, appearing to read 'LRB', enclosed within a circular flourish.

Lisa R. Barton
Secretary to the Commission

Issued: June 27, 2023