

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN ELECTRONIC DEVICES,
INCLUDING MOBILE PHONES, TABLETS,
LAPTOPS, COMPONENTS THEREOF, AND
PRODUCTS CONTAINING THE SAME**

Investigation No. 337-TA-1376

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING IN PART AN UNOPPOSED MOTION FOR SUMMARY
DETERMINATION THAT THE COMPLAINANTS HAVE SATISFIED THE ECONOMIC
PRONG OF THE DOMESTIC INDUSTRY REQUIREMENT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“the Commission”) has determined not to review an initial determination (“ID”) (Order No. 32) issued by the presiding administrative law judge (“ALJ”) granting in part an unopposed motion for summary determination that the complainants have satisfied the economic prong of the domestic industry requirement.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-2382. 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 November 17, 2023, the Commission instituted the present investigation based on a complaint, as supplemented, filed by Ericsson AB of Stockholm, Sweden and Telefonaktiebolaget LM Ericsson of Stockholm, Sweden (collectively “Ericsson”), alleging violations of section 337 of Tariff Act of 1930, as amended, 19 U.S.C. 1337, from the importation into the United States, sale for importation, or sale in the United States after importation of certain electronic devices, including mobile phones, tablets, laptops, components thereof, and products containing the same, that allegedly infringe one or more of the asserted claims of U.S. Patent Nos. 7,151,430 (“the ’430 patent”); 9,313,178 (“the ’178 patent”); 11,122,313 (“the ’313 patent”); 9,509,273; and 10,972,654. 88 FR 80337-338 (Nov. 17, 2023). The complaint alleges that a domestic industry exists. *Id.* The notice of investigation names the following respondents: Motorola Mobility, LLC of Chicago, Illinois; Motorola (Wuhan) Mobility Technologies Communication Company Limited of Wuhan, China; Lenovo (United States) Inc. of Morrisville, North Carolina; Lenovo Group of Hong Kong, SAR, China; Lenovo (Shanghai) Electronics Technology Co., Ltd. of Shanghai, China; Lenovo Beijing Co., Limited of Beijing, China; Lenovo PC HK Limited of Hong Kong, SAR, China; and Lenovo Information Products (Shenzhen) Co., Ltd. of Shenzhen, China (collectively, “Respondents”). *Id.* at 80337.

The Office of Unfair Import Investigations was not named as a party to this investigation.

On June 25, 2024, the Commission partially terminated the investigation with respect to the '430 patent, asserted claims 1-5 of the '178 patent, and asserted claims 1-4 and 6 of the '313 patent due to withdrawal of the complaint with respect to those claims. Order No. 29 (June 3, 2024), *unreviewed by Comm'n Notice* (June 25, 2024).

On July 5, 2024, the Commission partially terminated the investigation with respect to respondent Lenovo Group because it does not import into the United States, sell for importation, or sell in the United States after importation any accused products. Order No. 30 (June 20, 2024), *unreviewed by Comm'n Notice* (July 5, 2024).

On June 19, 2024, Ericsson filed an unopposed motion for summary determination that it has satisfied the economic prong of the domestic industry ("DI") requirement under section 337(a)(3)(A) and (B) for all of the patents still at issue. No respondent filed an opposition to Ericsson's motion.

On July 12, 2024, the presiding ALJ issued the subject ID (Order No. 32), granting in part Ericsson's motion for summary determination in part and finding that Ericsson satisfied the DI economic prong for all patents still at issue under section 337(a)(3)(A) (plant and equipment).

Order No. 32 also denied Ericsson's motion with respect to section 337(a)(3)(B). That aspect of Order No. 32 does not constitute an initial determination and is therefore not currently before the Commission. 19 CFR 210.42(c)(1).

No party filed a petition for review of the subject ID.

The Commission has determined not to review, and thereby adopts, the subject ID.

The Commission vote for this determination took place on August 13, 2024.

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: August 13, 2024