

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN COMMUNICATIONS OR
COMPUTING DEVICES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-925

**NOTICE OF A COMMISSION DETERMINATION TO EXTEND THE DEADLINES
FOR DETERMINING WHETHER TO REVIEW, AND FOR ANY FURTHER REVIEW
BRIEFING RELATING TO, AN INITIAL DETERMINATION TERMINATING THE
INVESTIGATION AS TO U.S. PATENT NO. 6,691,302 DUE TO LACK OF STANDING**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend the deadline by sixty (60) days to August 21, 2015, for determining whether to review the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 34) terminating the above-captioned investigation as to U.S. Patent No. 6,691,302 ("the '302 patent") due to lack of standing. The Commission has also determined to extend the deadlines by sixty (60) days for any further review briefing by the parties to the investigation relating to the ID, including any petitions for review that were originally due June 1, 2015, and any responses to those petitions for review already filed.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.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: The Commission instituted this investigation on August 21, 2014, based on a Complaint filed by Enterprise Systems Technologies S.a.r.l. ("EST") of Luxembourg. 79 *Fed. Reg.* 49537-38 (Aug. 21, 2014). The Complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain communications or computing devices and components thereof by reason of infringement

of certain claims of the '302 patent and U.S. Patent Nos. 7,454,201; 5,870,610; and 6,594,366. The complaint further alleges that a domestic industry exists or is in the process of being established. The Commission's Notice of Investigation named several respondents including Apple Inc. of Cupertino, California; HTC Corporation of Taoyuan, Taiwan and HTC America, Inc. of Bellevue, Washington; LG Electronics, Inc. of Seoul, Republic of Korea; LG Electronics U.S.A., Inc. of Englewood Cliffs, New Jersey; and LG Electronics MobileComm U.S.A., Inc. of San Diego, California; and Samsung Electronics Co., Ltd. of Seoul, Republic of Korea and Samsung Electronics America, Inc. of Ridgefield Park, New Jersey (collectively, "respondents"). The Office of Unfair Import Investigations ("OUII") was also named as a party to the investigation and Google Inc. was later added as an intervenor.

On March 20, 2015, respondents and intervenor jointly moved for termination of the investigation based on EST's lack of standing. EST and OUII filed responses in opposition, and respondents and intervenor filed a reply brief. On April 30, 2015, the ALJ issued Order Nos. 27 and 28 requesting additional briefing, and all parties submitted the requested supplemental briefing.

The ALJ issued the subject ID on May 21, 2015, granting the joint motion for termination in part as to the '302 patent. She found that EST does not possess all substantial rights in the '302 patent, and therefore lacks standing to assert the patent in this investigation. EST filed a petition for review of the ID on May 28, 2015. On May 29, 2015, EST, respondents, and intervenor jointly moved to: (1) extend the date for the Commission's determination on whether to review Order No. 34 by sixty (60) days from June 22 to August 21, 2015; and (2) extend by sixty (60) days all deadlines for any further review briefing by the parties, including any responses to EST's petition for review, as well as any petition(s) for review of the ID that may be filed by other parties. The joint motion indicates that OUII does not oppose the motion.

The Commission has determined to extend the deadline for determining whether to review the subject ID by sixty (60) days to August 21, 2015. The Commission has also determined to extend the deadlines by sixty (60) days for any further review briefing by the parties to the investigation relating to the ID, including any petitions for review that were originally due June 1, 2015, and any responses to EST's petition for review.

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 C.F.R. Part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: June 1, 2015