

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN WIRELESS
COMMUNICATIONS EQUIPMENT
AND ARTICLES THEREIN**

Inv. No. 337-TA-866

NOTICE OF INSTITUTION OF INVESTIGATION

Institution of investigation pursuant to 19 U.S.C. § 1337

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 21, 2012, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Samsung Electronics Co., Ltd., Seoul, Republic of Korea and Samsung Telecommunications America, LLC of Richardson, Texas. A letter supplementing the complaint was filed on January 10, 2013. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wireless communications equipment and articles therein by reason of infringement of U.S. Patent No. 7,782,749 (“the ‘749 patent”); U.S. Patent No. 8,165,081 (“the ‘081 patent”); U.S. Patent No. 8,208,438 (“the ‘438 patent”); U.S. Patent No. 8,228,827 (“the ‘827 patent”); U.S. Patent No. 6,617,929 (“the ‘929 patent”); U.S. Patent No. 6,767,813 (“the ‘813 patent”); U.S. Patent No. 6,865,682 (“the ‘682 patent”). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (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>.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2012).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on January 24, 2013, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain wireless communications equipment and articles therein by reason of infringement of one or more of claims 1-13 of the '749 patent; claims 1, 4, 9, and 12 of the '081 patent; claims 1-14 of the '438 patent; claims 1-8 of the '827 patent; claims 1-8 of the '929 patent; claims 1-3, 5-12, and 14-23 of the '813 patent; and claims 1, 2, 4, and 8 of the '682 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 C.F.R. § 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors, 19 U.S.C. §§ 1337(d)(1), (f)(1), (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Samsung Electronics Co., Ltd.
Samsung Main Building, 250
Taepyung-ro 2-ka, Chung-ku
Seoul 100-742
Republic of Korea

Samsung Telecommunications America, LLC
1301 East Lookout Drive
Richardson, TX 75082

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Ericsson Inc.
6300 Legacy Drive
Plano, TX 75024

Telefonaktiebolaget LM Ericsson
Torshamnsgatan 23, Kista
Stockholm
Sweden 164 83

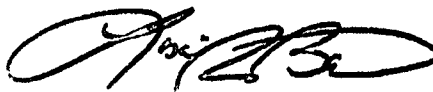
(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(d)-(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.



Lisa R. Barton
Acting Secretary to the Commission

Issued: January 25, 2013

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN WIRELESS COMMUNICATIONS
EQUIPMENT AND ARTICLES THEREIN

Inv. No. 337-TA-866

DESIGNATION OF OUII ATTORNEY
FOR SERVICE OF PROCESS

The Office of Unfair Import Investigations ("OUII") hereby designates Monisha Deka, Esq., (202) 205-3180, Monisha.Deka@usitc.gov, as OUII's lead attorney for service of process.

It is requested that all documents served by the Commission or filed by the parties in the above-referenced investigation be served upon this attorney.

Respectfully submitted,



Anne Goalwin, Acting Director

OFFICE OF UNFAIR IMPORT INVESTIGATIONS
U.S. International Trade Commission
500 E Street, S.W., Suite 401
Washington, D.C. 20436
(202) 205-2560
(202) 205-2158 (facsimile)

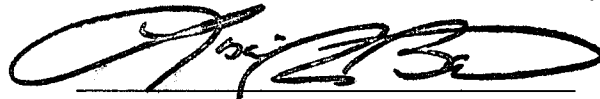
January 24, 2013

**CERTAIN WIRELESS COMMUNICATION EQUIPMENT
AND ARTICLES THEREIN**

337-TA-866

CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **NOTICE OF INVESTIGATION and DESIGNATION OF OUII ATTORNEY FOR SERVICE OF PROCESS** has been served by hand upon Monisha DeKa, Esq., and the following parties as indicated, on January 25, 2013.



Lisa R. Barton, Acting Secretary
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

Complainants:

Samsung Electronics Co., Ltd.
Samsung Main Building, 250,
Taepyung-ro 2-ka, Chung-ku,
Seoul 100-742 Korea

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 INTERNATIONAL

Samsung Telecommunications America, LLC
1301 East Lookout Drive
Richardson, TX 75082

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

On Behalf of Complainants:

D. Sean Trainor, Esq.
KIRKLAND & ELLIS LLP
655 Fifteenth Street, N.W.
Washington, D.C. 20005

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

Respondents:

Ericsson Inc.
6300 Legacy Drive
Piano, TX 75024

Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

Telefonaktiebolaget LM Ericsson
Torshamnsgatan 23, Kista
Stoclhholm, Sweden 164 83

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- INTERNATIONAL

Embassy:

Embassy of Sweden
2900 K Street, NW
Washington, DC 20007

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

Government Agencies:

Edward T. Hand, Chief
Foreign Commerce Section
Antitrust Division
U.S. Department of Justice
450 5th Street NW, Room 11000
Washington, DC 20530

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

U.S. Bureau of Customs and Border Protection
Intellectual Property Rights Branch
Mint Annex Building
799 9th Street, NW, 7th floor
Washington, DC 20229-1177

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

Elizabeth Kraus, Deputy Director
International Antitrust, Office of
International Affairs
Federal Trade Commission
600 Pennsylvania Avenue, Room 498
Washington, DC 20580

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

Richard Lambert, Esq.
Office of Technology Development Services
Dept. of Health & Human Services
National Institutes of Health
6610 Rockledge Drive, Room 2800, MSC 6606
Bethesda, MD 20892

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

January 25, 2013

Ericsson Inc.
6300 Legacy Drive
Plano, TX 75024

**Re: Certain Wireless Communications Equipment and Articles Therein
Inv. No. 337-TA-866**

Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). **Ericsson Inc.** is a named respondent in this investigation.

We are hereby serving you with a copy of the Complaint and the Notice of Investigation issued in this matter. Enclosed is a copy of the Code of Federal Regulations. Also enclosed is a the Section 337 Mediation Program brochure. After reviewing this brochure, please sign and return the enclosed certification of receipt.

Please note that the Notice requires a response to the allegations in the Complaint and the response must be received not later than twenty (20) days after the date of service of the Complaint. Failure to file a response may result in inferences being drawn against your interests.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa R. Barton", written over the word "Sincerely,".

Lisa R. Barton
Acting Secretary

Enclosures:

1. Complaint
2. Notice of Investigation
3. Code of Federal Regulation
4. Publication No. 4275 Regarding the Section 337 Mediation Program
5. Certification of Receipt of Mediation Materials



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

January 25, 2013

Telefonaktiebolaget LM Ericsson
Torshamnsgatan 23, Kista
Stockholm, 16483
Sweden

**Re: Certain Wireless Communications Equipment and Articles Therein
Inv. No. 337-TA-866**

Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

Telefonaktiebolaget LM Ericsson is a named respondent in this investigation.

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Sincerely,

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Lisa R. Barton
Acting Secretary

Enclosures:

1. Complaint
2. Notice of Investigation
3. Code of Federal Regulation
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UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

January 25, 2013

Edward T. Hand, Chief
Foreign Commerce Section
Antitrust Division
U.S. Dept of Justice
450 5th Street NW, Room 11000
Washington, DC 20530

**Re: Certain Wireless Communications Equipment and Articles Therein
Inv. No. 337-TA-866**

Dear Mr. Hand:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Notice of Investigation is enclosed. Non-confidential copies of the Complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Docket Services at (202) 205-1802.

If you have any questions concerning this investigation, please contact the Commission Investigative Attorney whose name and telephone number appear in the enclosed Notice.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa R. Barton".

Lisa R. Barton
Acting Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

January 25, 2013

U.S. Bureau of Customs and Border Protection
Intellectual Property Rights Branch
Mint Annex Building
799 9th Street, NW, 7th Floor
Washington, DC 20229-1177

**Re: Certain Wireless Communications Equipment and Articles Therein
Inv. No. 337-TA-866**

Dear Sir/Madam:

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Lisa R. Barton
Acting Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

January 25, 2013

Elizabeth Kraus, Deputy Director
International Antitrust, Office of
International Affairs
Federal Trade Commission
600 Pennsylvania Avenue, Room 498
Washington, DC 20580

**Re: Certain Wireless Communications Equipment and Articles Therein
Inv. No. 337-TA-866**

Dear Ms. Kraus:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Notice of Investigation is enclosed. Non-confidential copies of the Complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Docket Services at (202) 205-1802.

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Lisa R. Barton
Acting Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

January 25, 2013

Richard Lambert, Esq.
Office of Technology Development Services
Dept. of Health and Human Services
National Institutes of Health
6610 Rockledge Drive, Room 2800, MSC 6606
Bethesda, Maryland 20892

**Re: Certain Wireless Communications Equipment and Articles Therein
Inv. No. 337-TA-866**

Dear Mr. Lambert, Esq.:

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Lisa R. Barton
Acting Secretary

Enclosure:

1. Notice of Investigation



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

January 25, 2013

Samsung Electronics Co., Ltd.
Samsung Main Building,
250 Taepyung-ro 2-ka, Chung-ku
Seoul 100-742,
Korea

**Re: Certain Wireless Communications Equipment and Articles Therein
Inv. No. 337-TA-866**

Dear Sir/Madam:

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Acting Secretary

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3. Certification of Receipt of Mediation Materials



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

January 25, 2013

Samsung Telecommunications America LLC
1301 East Lookout Drive
Richardson, TX 75082

**Re: Certain Wireless Communications Equipment and Articles Therein
Inv. No. 337-TA-866**

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UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

January 25, 2013

D. Sean Trainor
Kirkland & Ellis LLP
655 Fifteenth Street NW
Washington, DC 20005

**Re: Certain Wireless Communications Equipment and Articles Therein
Inv. No. 337-TA-866**

Dear D. Sean Trainor:

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2. Publication No. 4275 Regarding the Section 337 Mediation Program
3. Certification of Receipt of Mediation Materials



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

January 25, 2013

Embassy of Sweden
2900 K Street NW
Washington, DC 20007

**Re: Certain Wireless Communications Equipment and Articles Therein
Inv. No. 337-TA-866**

Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). One or more of the parties named in the investigation is located in **Sweden**.

Pursuant to Commission Rule 210.11(a) (3), we are hereby serving you with a copy of the Complaint filed in this investigation together with a copy of the Commission's Notice of Investigation.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa R. Barton", written over a horizontal line.

Lisa R. Barton
Acting Secretary

Enclosures:

1. Complaint
2. Notice of Investigation