

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN MOBILE ELECTRONIC
DEVICES AND RADIO FREQUENCY
AND PROCESSING COMPONENTS
THEREOF**

Inv. No. 337-TA-1065

**ORDER NO. 3: INITIAL DETERMINATION SETTING THE TARGET DATE AT
SEVENTEEN MONTHS**

(August 22, 2017)

By publication of a notice in the *Federal Register* on August 14, 2017, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, the Commission instituted this investigation to determine:

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 mobile electronic devices and radio frequency and processing components thereof by reason of infringement of one or more of claims 1–27, 29, 38, 49, 55–60, 67, and 68 of the '936 patent [U.S. Patent No. 8,633,936]; claims 1 and 6–20 of the '558 patent [U.S. Patent No. 8,698,558]; claims 9, 10, 12, 14, and 20–22 of the '658 patent [U.S. Patent No. 8,487,658]; claims 1–8, 10–14, 16, 20, and 22 of the '949 patent [U.S. Patent No. 8,838,949]; claims 1–6, 8, 10, 16, 17, and 31 of the '490 patent [U.S. Patent No. 9,535,490]; and claims 1–3 and 7–14 of the '675 patent [U.S. Patent No. 9,608,675]; and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

82 Fed. Reg. 37899 (Aug. 14, 2017).

Additionally, pursuant to Commission Rule 210.50(b)(1), the Commission ordered:

Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding Administrative Law Judge shall take evidence or other information and hear arguments from the parties or 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 set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1).

Id.

The complainant is Qualcomm Incorporated of San Diego, California. The named respondent is Apple Inc. of Cupertino, California. The Commission Investigative Staff is also a party to this investigation. *Id.*

In view of the other investigations currently assigned to me, and the breadth of the issues raised in this investigation, I find that I cannot accommodate this investigation with a 16-month target date. Therefore, I hereby determine that the target date for this investigation shall be Monday, January 14, 2019, which is seventeen (17) months from the date the notice of investigation was published in the Federal Register. *See* 19 C.F.R. § 210.51(a). Consequently, any final initial determination would be due by Friday, September 14, 2018. *See* 19 C.F.R. § 210.42(a)(1)(i).

Pursuant to 19 C.F.R. § 210.42(h), this initial determination shall become the determination of the Commission unless a party files a petition for review of the initial determination pursuant to 19 C.F.R. § 210.43(a), or the Commission, pursuant to 19 C.F.R. § 210.44, orders on its own motion a review of the initial determination or certain issues herein.

SO ORDERED.



Thomas B. Pender
Administrative Law Judge

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PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **INITIAL DETERMINATION ORDER NO. 3** has been served by hand upon the Commission Investigative Attorney, **Lisa Murray, Esq.**, and the following parties as indicated, on

AUG 22 2017



Lisa R. Barton, Secretary
U.S. International Trade Commission
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FOR COMPLAINANT QUALCOMM INCORPORATED

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