

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

NOTICE REGARDING FINAL INITIAL DETERMINATION
AND RECOMMENDED DETERMINATION

(September 28, 2018)

On this date, I issued the Final Initial Determination (“ID”) on the question of violation of section 337 and the Recommended Determination (“RD”) concerning the remedy that may be appropriate in the event the Commission ultimately finds a violation of section 337. A public version of this document shall be available within 30 days. *See* 19 C.F.R. § 210.5(f).

As explained in the ID, I have found a violation of section 337. The ID contains, among other things, the following conclusions:

1. The Commission has subject matter, personal, and *in rem* jurisdiction in this investigation.
2. The accused products have been imported into the United States.
3. The accused products infringe claim 31 of U.S. Patent No. 9,535,490. The accused products do not infringe claim 7 of U.S. Patent No. 8,698,558, or claims 19, 25, or 27 of U.S. Patent No. 8,633,936.
4. The technical prong of the domestic industry requirement is satisfied with respect to U.S. Patent No. 9,535,490. The technical prong of the domestic industry requirement is not satisfied with respect to U.S. Patent No. 8,698,558 or U.S. Patent No. 8,633,936.

5. The economic prong of the domestic industry requirement has been satisfied with respect to the asserted patents.
6. It has not been shown by clear and convincing evidence that any asserted claim is invalid.

I have also made findings of fact as to the statutory public interest factors pursuant to the Notice of Investigation and have made a recommendation to the Commission as to the appropriate remedy in the event a violation of section 337 is found. *See* 82 Fed. Reg. 37899 (Aug. 14, 2017). It is my recommendation that the statutory public interest factors weigh against issuing a limited exclusion order as to products found to infringe the patents asserted in this investigation.



Thomas B. Pender
Administrative Law Judge

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

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PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served by hand upon the Commission Investigative Attorney, **Lisa Murray, Esq.** and the following parties as indicated,

on SEP 29 2018



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street SW, Room 112A
Washington, D.C. 20436

FOR COMPLAINANT QUALCOMM INCORPORATED	
S. Alex Lasher, Esq. QUINN EMANUEL URQUHART & SULLIVAN LLP 1300 I Street NW, Suite 900 Washington, D.C. 20005	<input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
FOR RESPONDENT APPLE INC.	
Lauren A. Degnan, Esq. FISH & RICHARDSON P.C. 1000 Maine Avenue SW, Suite 1000 Washington, D.C. 20024	<input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____