

UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, D.C. 20436

**In the Matter of**

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

**Inv. No. 337-TA-1065**

**ORDER NO. 28: CONSTRUING TERMS OF THE ASSERTED PATENTS**

(March 5, 2018)

The claim terms construed in this Order are done so for the purposes of this Investigation. Hereafter, discovery and briefing in this Investigation shall be governed by the construction of the claim terms in this Order. Those terms not in dispute need not be construed. *See Vanderlande Indus. Nederland BV v. Int'l Trade Comm'n*, 366 F.3d 1311, 1323 (Fed. Cir. 2004) (noting that the administrative law judge need only construe disputed claim terms).

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The following abbreviations may be used in this Order:

ALJ	Administrative Law Judge
Compl.	Complainants or Complainants'
Decl.	Declaration
EDIS	Electronic Document Imaging System
IMB	Initial Markman Brief
PMB	Post-Markman "Bullet-Point" Brief
PTO	U.S. Patent and Trademark Office
Resp.	Respondents or Respondents'
RMB	Reply Markman Brief
Tr.	Transcript

## I. Introduction

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 (“Qualcomm”) of San Diego, California.

The named respondent is Apple Inc. (“Apple”) of Cupertino, California. The Commission

Investigative Staff (“Staff”) is also a party to this investigation. *Id.*

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