

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

In the Matter of

**CERTAIN BASEBAND PROCESSOR
CHIPS AND CHIPSETS,
TRANSMITTER AND RECEIVER
(RADIO) CHIPS, POWER CONTROL
CHIPS, AND PRODUCTS CONTAINING
SAME, INCLUDING CELLULAR
TELEPHONE HANDSETS**

Inv. No. 337-TA-543

**NOTICE OF COMMISSION DETERMINATION TO DENY AN APPLICATION FOR
REVIEW OF ALJ ORDER NO. 29**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to deny an application for review of the presiding administrative law judge's ("ALJ's") Order No. 29 denying, *inter alia*, a motion to intervene in the violation phase of the investigation.

FOR FURTHER INFORMATION: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3152. Copies of the ID and all other nonconfidential 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. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<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>.

SUPPLEMENTARY INFORMATION: On June 21, 2005, the Commission instituted an investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based on a complaint filed by Broadcom Corporation of Irvine, California ("Broadcom"), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States

after importation of certain baseband processor chips and chipsets, transmitter and receiver (radio) chips, power control chips, and products containing same, including cellular telephone handsets by reason of infringement of certain claims of U.S. Patent Nos. 6,374,311, 6,714,983, 5,682,379, 6,359,872, and 6,583,675. 70 *Fed. Reg.* 35707 (June 21, 2005). The complainant named Qualcomm Incorporated (“Qualcomm”) of San Diego, California as the only respondent.

On February 22, 2006, Cellco Partnership d/b/a Verizon Wireless (“Verizon”) filed an emergency motion (“Verizon’s Motion”) (i) to intervene in the liability phase of this investigation and for suspension of the proceedings to afford Verizon an opportunity to prepare to participate in this phase, and (ii) to disqualify Wilmer Cutler Pickering Hale and Dorr, LLP as counsel for Broadcom. On March 9, 2006, the ALJ issued Order No. 29 denying Verizon’s motion to intervene and to disqualify complainant’s counsel.

On March 16, 2006, Verizon filed an application for review of Order No. 29 denying the motion to intervene. On March 23, 2006, complainant Broadcom filed its answer to Verizon’s application. On the same day, the Commission investigative attorney (“IA”) filed her answer to Verizon’s application. Both Broadcom and the IA oppose Verizon’s application for review. On March 29, 2006, Verizon filed a reply in support of its application for review. On April 4, 2006, Broadcom filed an opposition to Verizon’s reply.

The Commission has determined to deny Verizon’s application for review of Order No. 29, and has disregarded Verizon’s reply, which was not accompanied by a motion for leave.

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 section 210.24(a) of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.24(a)).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: May 24, 2006