

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MOBILE TELEPHONE
HANDSETS, WIRELESS
COMMUNICATION DEVICES,
AND COMPONENTS THEREOF**

Inv. No. 337-TA-578

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANT'S MOTION FOR SUMMARY
DETERMINATION AS TO RESPONDENTS' TWELFTH AND THIRTEENTH
AFFIRMATIVE DEFENSES**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") of the presiding administrative law judge ("ALJ") granting complainant's motion for summary determination as to respondents' twelfth and thirteenth affirmative defenses.

FOR FURTHER INFORMATION: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-708-2310. 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 July 12, 2006, the Commission instituted an investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, based on a complaint, as supplemented, filed by QUALCOMM Incorporated of San Diego, California

("Qualcomm"), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain mobile telephone handsets, wireless communication devices, and components thereof by reason of infringement of certain claims of six U.S. patents. 71 *Fed. Reg.* 39362 (July 12, 2006). The complainant named Nokia Corporation of Finland and Nokia Inc. of Irving, Texas, as respondents. Subsequently, the investigation was terminated as to three patents.

On January 17, 2007, complainant Qualcomm moved for summary determination as to respondents' twelfth (unclean hands) and thirteenth (patent misuse) affirmative defenses. On February 20, 2007, the ALJ issued the subject ID granting complainant's motion. On February 27, 2007, the respondents petitioned for review, and on March 6, the Commission Investigative Attorney and complainant Qualcomm filed briefs in opposition to the respondents' petition.

The Commission has determined not to review the subject ID.

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 210.42(c) of the Commission's Rules of Practice and Procedure, 19 C.F.R. §§ 210.42(c).

By order of the Commission.

Marilyn R. Abbott
Secretary

Issued: March 22, 2007