

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN WIRELESS DEVICES WITH
3G CAPABILITIES AND COMPONENTS
THEREOF**

Inv. No. 337-TA-800

NOTICE OF INSTITUTION OF INVESTIGATION

Institution of investigation pursuant to 19 U.S.C. § 1337

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on July 26, 2011, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of InterDigital Communications, LLC of King of Prussia, Pennsylvania; InterDigital Technology Corporation of Wilmington, Delaware; and IPR Licensing, Inc. of Wilmington, Delaware. A letter supplementing the complaint was filed on August 12, 2011. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wireless devices with 3G capabilities and components thereof by reason of infringement of certain claims of U.S. Patent No. 7,349,540 (“the ‘540 patent”); U.S. Patent No. 7,502,406 (“the ‘406 patent”); U.S. Patent No. 7,536,013 (“the ‘013 patent”); U.S. Patent No. 7,616,970 (“the ‘970 patent”); U.S. Patent No. 7,706,332 (“the ‘332 patent”); U.S. Patent No. 7,706,830 (“the ‘830 patent”); and U.S. Patent No. 7,970,127 (“the ‘127 patent”). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <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>.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2011).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on August 24, 2011, ORDERED THAT –

(1) 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 wireless devices with 3G capabilities and components thereof that infringe one or more of claims 1-15 of the '540 patent; claims 1, 2, 6-9, 13, 15-16, 20-22, 26, 28-30, 34-36, and 40 of the '406 patent; claims 1-19 of the '013 patent; claims 1-18 of the '970 patent; claims 1-27 of the '332 patent; claims 1-3, 5-8, 10, 16-18, 20-23, and 25 of the '830 patent; and claims 1-14 of the '127 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants:

InterDigital Communications, LLC
781 Third Avenue
King of Prussia, PA 19406-1409

InterDigital Technology Corporation
Hagley Building, Suite 105
3411 Silverside Road, Concord Plaza
Wilmington, DE 19810-4812

IPR Licensing, Inc.
Hagley Building, Suite 105
3411 Silverside Road, Concord Plaza
Wilmington, DE 19810-4812

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Huawei Technologies Co., Ltd.
Bantian, Longgang District
Shenzhen, Guangdong Province 518129
China

FutureWei Technologies, Inc. d/b/a Huawei
Technologies (USA)
5700 Tennyson Parkway, Suite #500
Plano, TX 75024

Nokia Corporation
Keilalahdentie 2-4
FIN-00045 Nokia Group
Espoo
Finland

Nokia Inc.
102 Corporate Park Drive
White Plains, NY 10604

ZTE Corporation
ZTE Plaza, No. 55 Hi-Tech Road South
Shenzhen, Guangdong Province 518057
China

ZTE (USA) Inc.
2425 N. Central Expressway, Ste. 600
Richardson, TX 75080

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(d)-(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the

Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

/s/
James R. Holbein
Secretary to the Commission

Issued: August 25, 2011