

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

In the Matter of

**CERTAIN RADIO FREQUENCY
INTEGRATED CIRCUITS AND
DEVICES CONTAINING SAME**

Investigation No. 337-TA-848

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING IN PART A MOTION TO AMEND THE COMPLAINT
AND NOTICE OF INVESTIGATION**

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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 5) granting in part the complainant's motion to amend the complaint and notice of investigation.

FOR FURTHER INFORMATION CONTACT: Jia Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-4737. Copies of non-confidential 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. 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>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 13, 2012, based on a complaint filed by Peregrine Semiconductor Corporation ("Peregrine") of San Diego, California. *77 Fed. Reg.* 35427 (Jun. 13, 2012). The complaint alleges violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by reason of infringement of certain claims of U.S. Patent Nos. 7,910,993 ("the '993 patent"); 7,123,898; 7,460,852; 7,796,969; and 7,860,499. The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named as respondents RF Micro Devices, Inc. of Greensboro, North Carolina; Motorola Mobility, Inc. of Libertyville, Illinois; HTC Corporation of Taiwan; and HTC America, Inc. of Bellevue, Washington (collectively "Respondents").

On July 10, 2012, Peregrine filed a motion for leave to amend the complaint and notice of investigation to (1) correct the name of respondent Motorola Mobility, Inc. to Motorola Mobility, LLC, (2) drop its request for a general exclusion order, and (3) assert independent claim 1 of the already asserted '993 patent. On July 20, 2012, Respondents collectively filed a response opposing the motion in part. Respondents support the motion to the extent it seeks to correct the name of Motorola Mobility, LLC and to drop the request for a general exclusion order. Respondents oppose the motion to the extent it seeks to assert claim 1 of the '993 patent. On the same day, the Commission investigative attorney also filed a response opposing the motion in part along the same lines as Respondents.

On August 13, 2012, the ALJ issued the subject ID granting Peregrine's motion in part. Citing 19 C.F.R. § 210.14(b)(1), the ALJ found that good causes exists for amending the complaint and notice of investigation to correct the name of Motorola Mobility, LLC and to drop Peregrine's request for a general exclusion order. The ALJ, however, denied Peregrine's request to assert claim 1 of the '993 patent, finding that Peregrine has failed to show good cause for the amendment.

No petitions for review were filed, and the Commission has determined not to review the 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 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

/s/
Lisa R. Barton
Secretary to the Commission

Issued: September 5, 2012