

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN WIRELESS CONSUMER
ELECTRONICS DEVICES AND
COMPONENTS THEREOF**

Inv. No. 337-TA-853

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 24, 2012, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Technology Properties Limited LLC of Cupertino, California, Phoenix Digital Solutions LLC of Cupertino, California, and Patriot Scientific Corporation of Carlsbad, California. The complaint 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 consumer electronics devices and components thereof by reason of infringement of certain claims of U.S. Patent No. 5,809,336 (“the ’336 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 (2012).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on August 20, 2012, **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 consumer electronics devices and components thereof that infringe one or more of claims 1, 6, 7, 9-11, and 13-16 of the '336 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 C.F.R. § 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and 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, 19 U.S.C. §§ 1337(d)(1), (f)(1), (g)(1);

(3) 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 are:

Technology Properties Limited LLC
20883 Stevens Creek Blvd., Suite 100
Cupertino, CA 95014

Phoenix Digital Solutions LLC
20883 Stevens Creek Blvd., Suite 100
Cupertino, CA 95014

Patriot Scientific Corporation
701 Palomar Airport Rd., Suite 170
Carlsbad, CA 92011

(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:

Acer Inc.
8F, No. 88, Section 1, Hsin Tai Wu Road
Hsichih 221, Taipei Hsien

Taiwan

Acer America Corporation
333 West San Carlos Street
San Jose, CA 95110

Amazon.com, Inc.
410 Terry Avenue North
Seattle, WA 98109-5210

Barnes & Noble, Inc.
122 Fifth Avenue
New York, NY 10011

Garmin Ltd.
Mühlentalstrasse 2
8200 Schaffhausen
Switzerland

Garmin International, Inc.
1200 East 151st Street
Olathe, KS 66062

Garmin USA, Inc.
1200 East 151st Street
Olathe, KS 66062

HTC Corporation
23 Xinghua Road
Taoyuan 330
Taiwan

HTC America
13920 SE Eastgate Way, Suite #200
Bellevue, WA 98005

Huawei Technologies Co., Ltd.
Huawei Industrial Base
Bantian Longgang
Shenzhen 518129
China

Huawei North America
5700 Tennyson Parkway, Suite 500
Plano, TX 75024

Kyocera Corporation
6 Takeda Tobadono-cho, Fushmi-ku
Kyoto 612-8501
Japan

Kyocera Communications, Inc.
9520 Towne Centre Drive
San Diego, CA 92121

LG Electronics, Inc.
LG Twin Towers, 20 Yeouido-dong,
Yeongdeungpo-gu
Seoul 150-721
Republic of Korea

LG Electronics U.S.A., Inc.
1000 Sylvan Avenue
Englewood Cliffs, NJ 07632

Nintendo Co., Ltd.
11-1 Kamitoba Hokotate-Cho, Minami-Ku
Kyoto 601-8501
Japan

Nintendo of America, Inc.
4600 150th Avenue, NE
Redmond, WA 98052

Novatel Wireless, Inc.
9645 Scranton Road Suite #205
San Diego, CA 92121

Samsung Electronics Co., Ltd.
Samsung Main Building
250, Taepyeongno 2-ga, Jung-gu
Seoul 100-742
Republic of Korea

Samsung Electronics America, Inc.
105 Challenger Road
Ridgefield Park, NJ 07660

Sierra Wireless, Inc.
13811 Wireless Way, Richmond
British Columbia V6V 3A4
Canada

Sierra Wireless America, Inc.
2200 Faraday Avenue, Suite 150
Carlsbad, CA 92008

ZTE Corporation
ZTE Plaza, Keji South Road,
Hi & New Tech Industrial Park
Nanshan District
Shenzhen 518057
China

ZTE (USA) Inc.
2425 N. Central Expressway, Suite 323
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

(4) 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/
Lisa R. Barton
Acting Secretary to the Commission