

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN ELECTRONIC DEVICES AND
SEMICONDUCTOR DEVICES HAVING
WIRELESS COMMUNICATION
CAPABILITIES AND COMPONENTS
THEREOF**

Inv. No. 337-TA-1367

**ORDER NO. 52: INITIAL DETERMINATION GRANTING-IN-PART
COMPLAINANT’S UNOPPOSED MOTION TO WITHDRAW THE
COMPLAINT AS TO ALL RESPONDENTS AND ORDER
DENYING-IN-PART COMPLAINANT’S UNOPPOSED MOTION
TO WITHDRAW THE COMPLAINT AS TO ALL RESPONDENTS**

(May 1, 2024)

On April 25, 2024, Complainant Bell Northern Research, LLC (“BNR”) moved pursuant to Commission Rule 210.21(a)(1) (Mot. 1367-043) to terminate this investigation and to withdraw the complaint. EDIS Doc. ID 819600 (“Mot.”). BNR certifies that Respondents NXP Semiconductors, N.V. and NXP USA, Inc. (“NXP”); MediaTek Inc. and MediaTek USA Inc. (“MediaTek”); and ASUSTek Computer Inc. and ASUS Computer International (“ASUS” and, collectively, “Respondents”) do not oppose the motion. Mot. at 1. On April 30, 2024, the Commission Investigative Staff filed a response supporting the motion to terminate as to NXP and opposing the motion to terminate as to MediaTek and ASUS. EDIS Doc. ID 820005 (“Staff Br.”). For the reasons set forth below, I grant the motion to terminate as to NXP, but deny the motion to terminate as to MediaTek and ASUS.

Commission Rule 210.21(a)(1) provides, in relevant part:

Any party may move at any time prior to the issuance of an initial determination on violation of section 337 of the Tariff Act of 1930 to terminate an investigation in whole or in part as to any or all respondents, on the basis of withdrawal of the

complaint or certain allegations contained therein A motion for termination of an investigation based on withdrawal of the complaint . . . shall contain a statement that there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation, or if there are any agreements concerning the subject matter of the investigation, all such agreements shall be identified, and if written, a copy shall be filed with the Commission along with the motion.

19 C.F.R. § 210.21(a).

The motion was made before issuance of any initial determination on violation of section 337. BNR “certifies that there are no agreements, written or oral, express or implied with NXP.” Mot. at 4.¹ However, BNR has previously moved to stay the investigation as to MediaTek and ASUS based on settlement. Order Nos. 45, 50. BNR explains that there is a written Memorandum of Understanding with MediaTek and an agreement in principle with ASUS regarding settlement. *Id.* at 4. BNR filed confidential and public versions of the Memorandum of Understanding with MediaTek. It has not filed a copy of any agreement with ASUS. Neither of the settlement agreements have been filed with the Commission.

With respect to NXP, I find that BNR’s motion complies with Commission Rule 210.21(a)(1). BNR has certified that there are no agreements between BNR and NXP regarding the subject matter of this investigation, and any stipulations between BNR and NXP have been entered on EDIS. Also, BNR’s motion comes before the issuance of any initial determination on violation of section 337. Accordingly, I grant BNR’s motion as to NXP.

BNR’s motion does not comply with Commission Rules as to MediaTek and ASUS. It is improper to file a motion to terminate based on withdrawal of the complaint under Commission Rule 210.21(a)(1) where the parties have reached a settlement agreement. *See Certain Wireless*

¹ BNR and Respondents have entered a number of stipulations in this Investigation, which are filed on EDIS. *E.g.*, EDIS Doc. IDs 802883, 802947, 811470, 811589, 811797, 811798, 812224, 812226, 812254, 812255.

Standard Compliant Elec. Devices, Including Commc'n Devices & Tablet Computers, Inv. No. 337-TA-953, Order No. 43 (Jan. 12, 2016) (discussing the . Parties who terminate the investigation based on the settlement must comply with Commission Rule 210.21(b)(1), including filing both confidential and public versions of the agreements which may be certified to the Commission. BNR has not yet finalized its settlement agreements with either MediaTek or ASUS, and therefore it could not file the copies of the settlement agreement as required by Commission Rules 210.21(b)(1). BNR should refile motions to terminate pursuant to Commission Rule 210.21(b) once the parties have finalized settlement agreements. I therefore order that Motion No. 1367-043 is DENIED-IN-PART with respect to MediaTek and ASUS.

For the reasons set forth above, it is my initial determination that Motion No. 1367-043 is GRANTED-IN-PART. The investigation is terminated with respect all claims against NXP Semiconductors, N.V. and NXP USA, Inc.

This initial determination with respect to NXP Semiconductors, N.V. and NXP USA, Inc. is hereby certified to the Commission.

Pursuant to 19 C.F.R. § 210.42(h), this initial determination shall become the determination of the Commission unless a party files a petition for review of the initial determination pursuant to 19 C.F.R. § 210.43(a), or the Commission, pursuant to 19 C.F.R. § 210.44, orders on its own motion a review of the initial determination or certain issues herein.

SO ORDERED.


Bryan F. Moore
Administrative Law Judge