PUBLIC VERSION

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of **CERTAIN CELLULAR BASE STATION COMMUNICATION EQUIPMENT, COMPONENTS THEREOF, AND PRODUCTS CONTAINING SAME**	**Inv. No. 337-TA-1302**

ORDER NO. 27: INITIAL DETERMINATION GRANTING JOINT MOTION TO TERMINATE THE INVESTIGATION BASED ON SETTLEMENT AGREEMENT

(February 22, 2023)

On February 6, 2023, Complainant Apple Inc. ("Apple") and Respondents Ericsson AB, Telefonaktiebolaget LM Ericsson, and Ericsson Inc. (collectively, "Ericsson") (Apple and Ericsson together, the "Private Parties") filed a joint motion ("Mot.") to terminate the investigation based on settlement (1302-017). On February 7, 2023, the Commission Investigative Staff ("Staff") filed a response in support of the motion ("Staff Resp."; EDIS Doc. ID 789753).

Commission Rule 210.21(a)(2) states in relevant part that "[a]ny party may move at any time to terminate an investigation in whole or in part as to any or all respondents on the basis of a settlement, a licensing or other agreement . . . ." 19 C.F.R. § 210.21(a)(2). Commission Rule 210.21(b) governs termination by settlement, and subsection (b)(1) provides that in order for an investigation to be terminated on the basis of a licensing or other settlement agreement, the motion for termination must include: (1) copies of the "licensing or other settlement agreement," including both a public and a confidential version if necessary; (2) any supplemental agreements; and (3) "a statement that there are no other agreements, written or oral, express or implied

between the parties concerning the subject matter of the investigation." 19 C.F.R. § 210.21(b)(1).

Consistent with Commission Rule 210.21(b)(1), Apple and Ericsson attach a copy of their Global Patent License Agreement as Exhibit A to their motion, with a redacted version concurrently filed with a public version of the motion. The Private Parties submit that their Global Patent License Agreement "includes an agreement to terminate this Investigation in its entirety." Mot. at 1. In further compliance with Commission Rule 210.21(b)(1), their motion states that "[t]here are no other agreements, written or oral, expressed or implied between Apple and Ericsson concerning the subject matter of this Investigation." *Id*. at 2.

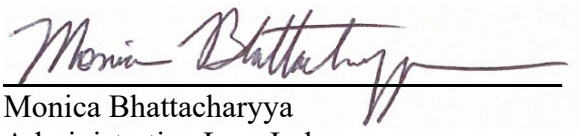
Apple and Ericsson submit that termination will not have any adverse effect on the public health and welfare and/or competitive conditions in the United States. *Id*. Staff states that "Staff is not aware of any information indicating that termination of this investigation on the basis of the parties' settlement agreement would be contrary to any of the statutory public interest factors." Staff Resp. at 3; *see also id*. at 4. Here, the undersigned finds no adverse effect on the public interest in the termination of this investigation by settlement. *See* 19 C.F.R. § 210.50(b)(2).

Accordingly, it is the undersigned's initial determination that the motion to terminate (1302-017) is hereby GRANTED, and the investigation shall be terminated.[1] Pursuant to Commission Rule 210.21(b)(2), a copy of the Global Patent License Agreement is attached hereto as Exhibit A, and a redacted copy of this agreement is attached to a public version of this order, issued concurrently herewith. *See* 19 C.F.R. § 210.21(b)(2).

[1] All other pending motions in this investigation are hereby DENIED as moot.

Pursuant to Commission Rule 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 Commission Rule 210.43(a), or the Commission, pursuant to Commission Rule 210.44, orders, on its own motion, a review of the initial determination or certain issues contained herein. *See* 19 C.F.R. § 210.42(d).

SO ORDERED.



Monica Bhattacharyya
Administrative Law Judge