

**THE UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.**

**Before The Honorable Robert K. Rogers, Jr.  
Administrative Law Judge**

**In the Matter of**

**CERTAIN WIRELESS DEVICES WITH  
3G AND/OR 4G CAPABILITIES AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-868**

**RESPONDENTS ZTE CORP., ZTE (USA), INC., HUAWEI TECHNOLOGIES  
CO., LTD., HUAWEI DEVICE USA, INC. AND FUTUREWEI  
TECHNOLOGIES, INC.'S MOTION TO STAY INVESTIGATION**

Pursuant to 19 C.F.R. 210.15, and Ground Rule 3.1, Respondents ZTE Corporation and ZTE (USA) Inc. (“ZTE”), Huawei Technologies Co., Ltd., Huawei Device USA, Inc. and Futurewei Technologies, Inc. (“Huawei”) (collectively, the “Moving Respondents”) hereby move to stay this Investigation.

This Motion is supported by the accompanying Memorandum in Support. For all of the reasons discussed in the accompanying Memorandum in Support, Moving Respondents respectfully request that the Judge stay this Investigation until at least the District of Delaware has determined an appropriate FRAND royalty rate in the parallel federal court actions. In the alternative, the Moving Respondents request that the Judge stay the Investigation at least until a Final Determination issues in the 800 Investigation.

Dated: February 22, 2013

Respectfully submitted,

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**CERTIFICATION**

Pursuant to Ground Rule 3.2, the undersigned hereby certifies that Moving Respondents have made a reasonable, good faith effort to resolve this dispute. Moving Respondents raised the subject matter of the Motion with Complainants on February 8, 2013 and met and conferred on February 11, 2013. Complainants have indicated they oppose the Motion. Nokia and Samsung have indicated that they take no position, but may take a position after reviewing the Motion. Staff has indicated that it takes no position, but may take a position after reviewing the Motion.

Dated: February 22, 2013

Respectfully submitted,

*/s/ Luke A. Parsons*

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**MEMORANDUM IN SUPPORT OF  
MOTION TO STAY INVESTIGATION**

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## INTRODUCTION

Over the past several years, InterDigital has waged a campaign of litigation against the Respondents to this Investigation in the hopes of obtaining an exclusion order that would prevent Respondents from importing into the United States products accused of infringing patents that InterDigital has irrevocably agreed in binding, written, and enforceable commitments to license on fair, reasonable, and non-discriminatory (“FRAND”) terms. During this time, there has been a sea change in the way that federal district courts and governmental agencies view the commitment to license patents on FRAND terms. In the last year alone, the Department of Justice, the Federal Trade Commission, the Patent and Trademark Office, the United States Court of Appeals for the Ninth Circuit, the United States District Court for the Northern District of Illinois, and the United States District Court for the Western District of Wisconsin have all uniformly concluded that seeking an exclusion order against a party willing to pay FRAND compensation is violative of a patentee’s FRAND commitment.

In spite of these pronouncements, InterDigital is seeking to obtain an exclusion order against Respondents for alleged infringement of Standards Essential Patents (“SEPs”). In short, InterDigital is taking the very action in this investigation that courts and agencies have found to be improper. The FTC, in particular, has found InterDigital’s chosen course of action to constitute unfair competition in violation of Section 5 of the FTC Act.

On the same day that the Complaint in this Investigation was filed, InterDigital filed parallel lawsuits against each of the Respondents in the United States District Court for the District of Delaware. Respondents ZTE Corporation and ZTE (USA) Inc. (“ZTE”), Huawei Technologies Co., Ltd., Huawei Device USA, Inc. and Futurewei

Technologies, Inc. (“Huawei”) (collectively, the “Moving Respondents”) have each filed counterclaims in these parallel actions requesting that the District Court set a FRAND royalty rate for a license that covers the patents-in-suit in this investigation. The Moving Respondents have asked the District Court to determine the FRAND rate on an expedited basis. Under the current state of the law, the Moving Respondents have a right to accept that judicially determined rate before this investigation proceeds and each has expressed a commitment to do so.

Because of the pending request asking the federal district court to set a FRAND royalty rate, Moving Respondents seek to stay this Investigation. The proper forum for InterDigital’s claims, in the first instance, is a federal district court with jurisdiction to decide proper FRAND royalty rate for a license that covers the patents-in-suit in this investigation.

In addition, this investigation meets all of the traditional criteria for granting a stay. Discovery has just commenced, and a hearing date has not been set. Allowing the District Court litigation to proceed in advance of this investigation will simplify this investigation because, upon consummating a license at the judicially determined rate, the Moving Respondents will have an absolute defense against claims of infringing the patents asserted against them here. A stay is not unfairly prejudicial to InterDigital, because the Moving Respondents are asking the District Court to provide InterDigital with precisely the remedy it has already agreed is appropriate for the asserted patents: a license on FRAND terms. The advanced stage of other proceedings—including the parallel 337-TA-800 Investigation (the “800 Investigation”) between involving the parties, also weighs in favor of a stay because certain matters awaiting final adjudication

in that investigation will further simplify the issues in this investigation. Finally, because a stay will narrow the scope of the issues in this investigation or eliminate the need for it altogether, granting this motion furthers the efficient use of Commission resources.

For all of these reasons, this motion to stay should be granted.

### **STATEMENT OF FACTS**

**The Patents Asserted Against the Moving Respondents.** InterDigital's Complaint asserts three patents against ZTE and Huawei. On March 21, 2007, InterDigital declared the patent application for the 7,941,151 patent to be potentially essential to the third generation ("3G") UMTS standard adopted by the European Telecommunications Standards Institute ("ETSI"), and undertook explicit FRAND commitments in respect of that SEP (Exh. A, Excerpts from Mar. 21, 2007 Declaration). On September 16, 2010, InterDigital declared the same application essential to the fourth generation ("4G") LTE standard adopted by ETSI, and again undertook explicit FRAND commitments in respect of that SEP (Exh. B, Excerpts from Sept. 16, 2010 Declaration). On September 14, 2009, InterDigital declared that the 7,190,966 and 7,286,847 patents are essential to the UMTS standard, and undertook explicit FRAND commitments in respect of these SEPs (Exh. C, Excerpts from Sept. 14, 2009 Declaration).

InterDigital's Complaint contends that ZTE and Huawei products infringe its patents because they operate in, are tested in, or are designed to be used in networks employing ETSI's 3G and 4G standards (Complaint ¶¶ 7.23, 7.24, 7.34, 7.35, 7.46, 7.47; *id.* Exhibits 41–50).

**The Importance of Standards.** The UMTS and LTE standards were developed through the collaborative efforts of telecommunications industry participants under the governance of ETSI. ETSI is a non-profit institution that was founded in 1988 through

an initiative of the European Commission by several companies active in mobile communication with the objective to develop a common mobile radio standard for Europe. Since it was founded, ETSI has grown to include approximately 700 members from 56 countries. Among these members are virtually every company active in the mobile radio sector, who together account for a substantial share of the supply of mobile telecommunications equipment and services. InterDigital and certain of the ZTE and Huawei Respondents are all members of ETSI.

Many ETSI members are engaged in research and development of new telecommunications technologies, and own intellectual property rights relating to different elements of such technologies. When ETSI adopts technical standards, it must take into account that many elements of the standards are likely to be covered by such intellectual property rights, which others wishing to use the standard must access. ETSI has adopted an Intellectual Property Policy to ensure that the standard may be freely used once it is adopted.

The objectives of the ETSI IPR Policy are defined in its Clause 3. Clause 3.1 provides as follows:

It is ETSI's objective to create STANDARDS and TECHNICAL SPECIFICATIONS that are based on solutions which best meet the technical objectives of the European telecommunications sector, as defined by the General Assembly. In order to further this objective the ETSI IPR POLICY seeks to reduce the risk to ETSI, MEMBERS, and others applying ETSI STANDARDS and TECHNICAL SPECIFICATIONS, that investment in the preparation, adoption and application of STANDARDS could be wasted as a result of an ESSENTIAL IPR for a STANDARD or TECHNICAL SPECIFICATION *being unavailable*. In achieving this objective, the ETSI IPR POLICY seeks a balance between the needs of standardization for public use in the field of telecommunications and the rights of the owners of IPRs.

(ETSI IPR Policy Clause 3.1 (emphasis added)).

In order to achieve its objectives, the ETSI IPR Policy contains rules regarding the disclosure of essential IPR and rules regarding their licensing of that IPR on fair, reasonable, and nondiscriminatory terms. Under those rules, members are obligated to use their reasonable endeavors to inform ETSI of essential IPRs in a timely manner, and they are required to agree to grant licenses on FRAND terms and conditions:

When an essential IPR relating to a particular standard or technical specification is brought to the attention of ETSI, the director-general of ETSI shall immediately request the owner to give within three months an irrevocable undertaking in writing that it is prepared to grant irrevocable licenses on fair, reasonable, and non-discriminatory terms and conditions. . .

(ETSI IPR Policy Clause 6.1). If an essential IPR holder is unwilling to undertake to grant licenses to that IPR on FRAND terms and conditions, ETSI will modify the standard under development to exclude the IPR. In particular, Clause 8.2 of the ETSI IPR Policy states:

Where, in respect of a published STANDARD or TECHNICAL SPECIFICATION, ETSI becomes aware that licenses *are not available* from an IPR owner in accordance with Clause 6.1...[where the IPR owner refuses to provide an explanation or make the licenses available] A vote shall be taken in the General Assembly on an individual weighted basis to immediately refer the STANDARD or TECHNICAL SPECIFICATION to the relevant COMMITTEE to modify it so that the IPR is no longer ESSENTIAL...

(*Id.* at Clause 8.2 (emphasis added)). ETSI must modify the standard *as it is being developed*, because once products are released to the market, they must interoperate according to the adopted version of the standard. Thus ETSI must obtain a permanent and irrevocable commitment from IPR holders that essential IPR will be available for use under fair, reasonable, and nondiscriminatory terms in order to approve a standard for release.

**InterDigital's ITC Complaints.** On July 26, 2011, InterDigital filed a complaint against Nokia, ZTE, and Huawei in the 800 Investigation. The hearing in the 800 Investigation has just concluded on February 21, 2013. The Initial Determination is expected in June 2013 with the Final Determination expected on October 28, 2013.

Less than two months before the hearing date in the 800 Investigation, InterDigital filed the complaint in this Investigation against Nokia, ZTE, Huawei, and Samsung, asserting against Samsung four of the patents already asserted in the 800 Investigation and asserting one additional patent against Nokia and three additional patents against Huawei and ZTE. At the same time, InterDigital filed separate parallel actions in the District of Delaware against all four Respondents. The Moving Respondents have filed counterclaims to these actions in Delaware requesting that the court set a FRAND royalty rate for a license that would cover the patents-in-suit (*see, e.g.,* Exh. D). Moving Respondents have also filed motions seeking expedited relief before the court in order to obtain an order concerning the proper FRAND royalty rate for a license that covers the patents-in-suit in this investigation as quickly as possible. The Moving Respondents have also committed to the Delaware court that they will be bound by the district court's determination, and so each of the Moving Respondents unquestionably is a willing licensee with respect to InterDigital's patents.

## ARGUMENT

### I. THIS INVESTIGATION SHOULD BE STAYED PENDING THE DELAWARE DISTRICT COURT ACTIONS AND THE 800 INVESTIGATION.

#### A. This Investigation Should Be Stayed Because the Moving Respondents Are Entitled to an Opportunity to Accept a FRAND License Before Being Subjected to a Proceeding Seeking Injunctive Relief.

Over the past year, federal regulators and courts increasingly have recognized that a patent holder may only seek injunctive or exclusionary relief in the ITC only if a potential licensee refuses to accept a license on FRAND terms. Litigation of FRAND-related affirmative defenses in the ITC in the first instance does not satisfy the patent holder's obligation to honor its FRAND commitments.

The Federal Trade Commission (FTC) recently concluded an investigation of Google and its subsidiary Motorola (collectively, "Google"), another company holding declared-essential patents, and found that it is unlawful under Section 5 of the FTC Act for a patent holder to seek injunctive relief against a willing licensee using patents subject to FRAND commitments. *See In the Matter of Motorola Mobility LLC and Google Inc.*, FTC File No. 121- 0120, Analysis of Proposed Consent Order to Aid Public Comment (Exh. E). The FTC found that Google's efforts to obtain injunctions were unlawful because they create a risk of patent "hold-up": the ability for the holder of patents essential to an industry standard to obtain royalties that depend on the value of the standard as a whole, and not on the value of the specific patents. *Id.* at 2. This is possible because an injunction against a feature that is necessary for use of a standard prevents use of the entire standard; the cost of "switching" to a completely different technology platform may be prohibitive. *Id.*; *see also In the Matter of Robert*

*Bosch GmbH*, FTC File No. 121-0081, Statement of the Federal Trade Commission at 2 (Nov. 26, 2012).

This is the second time the FTC has concluded that seeking to enjoin a willing licensee from practicing a declared-essential patent constitutes unfair competition in violation of Section 5 of the FTC Act. *See* Exh. F, *In the Matter of Robert Bosch GmbH*, FTC File No. 121-0081, Statement of the Federal Trade Commission at 2 (Nov. 26, 2012). Previously, the FTC also noted before this Commission that “we are concerned that a patentee can make a RAND commitment as part of the standard setting process, and then seek an exclusion order for infringement of the RAND-encumbered SEP as a way of securing royalties that may be inconsistent with that RAND commitment.”

*Certain Gaming and Entertainment Consoles, Related Software, and Components Thereof*, 337-TA-752, Third Party United States Federal Trade Commission’s Statement on the Public Interest at 1 (June 6, 2012).

InterDigital’s behavior with respect to the Moving Respondents is for all relevant purposes identical to Google’s behavior as documented in the Consent Order. InterDigital, like Google, participated in the ETSI standard-setting process and declared that its patents may be essential to the standards under development (*see* Exh. E, Analysis of Proposed Consent Order at 3; *cf.* Exhs. A-C). Also like Google, InterDigital “promised to license its patents essential to these standards on FRAND terms, inducing ETSI . . . to include its patents in cellular . . . standards.” (*see* Exh. E, Analysis of Proposed Consent Order at 3; *cf.* Exhs. A-C at 2). And like Google, InterDigital “filed patent infringement claims at the ITC where the only remedy for patent infringement is an exclusion order.” *See* Exh. E, Analysis of Proposed Consent

Order at 3. The FTC explained why this behavior is unlawful when carried out by a company that is bound by FRAND commitments: “Because of the ITC’s remedial structure, filing for an exclusion order before the ITC on a FRAND-encumbered SEP significantly raises the risk of patent hold-up in concurrent licensing negotiations because an exclusion order may be entered by the ITC before a FRAND rate is reached.” *Id.*

The Consent Order specifies a *process* to follow in the event of a dispute regarding FRAND license terms, and does not rely in its analysis on any conclusion that Google failed to make a FRAND offer. *See In the Matter of Motorola Mobility LLC and Google Inc.*, FTC File No. 121- 0120, Consent Order (Exh G.). To the contrary, the purpose of the Consent Order is to set forth a process that must be followed in order to allow a court or arbitrator to adjudicate any disputed license terms:

Under this Order, before seeking an injunction on FRAND-encumbered SEPs, Google must: (1) provide a potential licensee with a written offer containing all of the material license terms necessary to license its SEPs, and (2) provide a potential licensee with an offer of binding arbitration to determine the terms of a license that are not agreed upon. Furthermore, if a potential licensee seeks judicial relief for a FRAND determination, Google must not seek an injunction during the pendency of the proceeding, including appeals.

(*See Exh. E, Analysis of Proposed Consent Order*, at 6). As explained in the Order, Google breached its FRAND commitments by seeking injunctive relief in the ITC before a judicial determination of the FRAND rate was complete. In response to the Consent Order, Google’s subsidiary Motorola Mobility, Inc. has dismissed its complaint pending before the ITC. *See Certain Gaming and Entertainment Consoles, Related Software, and Components Thereof*, Inv. No. 337-TA-752, Motorola Mobility’s Motion to Terminate

this Investigation in Part with Respect to U.S. Patent Nos. 6,980,596 and 7,162,094 (Jan. 8, 2013).

The FTC's reasoning is shared by the United States Department of Justice and the United States Patent and Trademark Office, which recently issued a joint policy statement noting their concerns with exclusion orders issued by this Commission with respect to declared-essential patents: "[a] decision maker could conclude that the holder of a F/RAND-encumbered, standards-essential patent had attempted to use an exclusion order to pressure an implementer of a standard to accept more onerous licensing terms than the patent holder would be entitled to receive consistent with the F/RAND commitment." (Exh. H, U.S. Dept. of Justice & U.S. Patent and Trademark Office, Policy Stmt. On Remedies for Standards-Essential Patents Subject to Voluntary F/RAND Commitments (Jan. 8, 2013)). The DOJ and USPTO note that an exclusion order may still be appropriate under certain circumstances, such as where "a putative licensee refuses to pay what has been determined to be a F/RAND royalty or refuses to engage in a negotiation to determine F/RAND terms."). *Id.*

The federal courts have taken a similar view of the issue. Sitting by designation, Judge Posner recently wrote that:

I don't see how, given FRAND, I would be justified in enjoining Apple from infringing the 898 unless Apple refuses to pay a royalty that meets the FRAND requirement. By committing to license its patents on FRAND terms, Motorola committed to license the 898 to anyone willing to pay a FRAND royalty and thus implicitly acknowledged that a royalty is adequate compensation for a license to use that patent. How could it do otherwise? How could it be permitted to enjoin Apple from using an invention that it contends Apple *must* use if it wants to make a cell phone with UMTS telecommunications capability – without which it would not be a cell *phone*.

*Apple, Inc. v. Motorola, Inc.*, 869 F. Supp. 2d 901, 913-14 (N.D. Ill. 2012). Judge Posner notes that a patent holder's FRAND commitment is fundamentally inconsistent with the idea that injunctive relief should be freely available based on the use of declared-essential patents, but understands that such relief could still be sought in cases where a prospective licensee has made an outright refusal to pay a FRAND royalty rate. *See also Microsoft Corp. v. Motorola, Inc.*, 696 F.3d 872, 884 (9th Cir. 2012) (finding that “[i]mplicit in such a sweeping promise [to license declared-essential patents on RAND terms] is, at least arguably, a guarantee that the patent-holder will not take steps to keep would-be users from using the patented material, such as seeking an injunction, but will instead proffer licenses consistent with the commitment made.”).

The currently pending parallel district court actions between InterDigital and the Moving Respondents provide the forum to decide the FRAND-related issues concerning the patents asserted in this Investigation. By bringing ITC investigations against the Respondents to this Investigation, who are willing licensees, InterDigital has already breached its FRAND obligations and has engaged in unfair competition of the type recently prohibited by the FTC. The Moving Respondents are willing licensees. Each Motion Respondent has requested that the Delaware district court set a FRAND royalty rate for a license that covers the patents-in-suit in this investigation, and each has agreed to be bound by the court's determination.

The grant of a stay in this Investigation pending the resolution of the Respondents' requests for the District of Delaware to set a FRAND royalty rate would resolve the concerns raised by the courts and administrative agencies that have considered this issue. Such a stay would likely eliminate the need for any further

proceedings with respect to the Moving Respondents, which would be free to take licenses to the patents-in-suit, and would therefore conserve Commission resources. Future resources would likewise be conserved, as comprehensive license agreements between InterDigital and the Moving Respondents would prevent InterDigital from continuing its habit of filing complaints before this Commission against these Respondents every two to three years going forward.

**B. This Investigation Should Be Stayed Because It Meets the Five Criteria for a Stay.**

In determining whether to stay an investigation that has already been commenced, this Commission typically considers five factors: (1) the state of discovery and the hearing date; (2) whether a stay will simplify the issues and hearing of the case; (3) the undue prejudice or clear tactical disadvantage to any party; (4) the stage of parallel proceedings; and (5) the efficient use of Commission resources. *See Certain Integrated Circuits, Chipsets, and Products Containing Same Including Televisions*, Inv. No. 337-TA-822, Order 17 at 3-4 (Aug. 6, 2012). Administrative Law Judges have previously stayed investigations “pending resolution of a related litigation or administrative proceeding.” *Id.* at 3. Previous investigations have been stayed in order for courts hearing parallel actions to decide upon critical issues, such as the ownership of the patents-in-suit. *See Certain Digital Cameras and Components Thereof*, Inv. No. 337-TA-593, Order 7 (May 11, 2007). Such stays have also been granted where an investigation overlaps with a previously-filed investigation which is much more procedurally advanced. *See Certain Semiconductor Chips with Minimized Chip Package Size and Products Containing Same*, Inv. No. 337-TA-649, Order 18 (Feb. 10, 2009).

The five factors considered by the Commission all weigh in favor of granting a stay in this Investigation.

**State of Discovery and Hearing Date.** As an initial matter, the Investigation was initiated on January 30, 2013, and though InterDigital and Moving Respondents have served discovery requests,<sup>1</sup> no documents have been produced and discovery has not commenced in earnest. The procedural schedule has not issued and the hearing date has not yet been set. The Investigation remains in its infancy, and would not be harmed by a stay at this stage.

**Simplification of Investigation and Hearing.** A stay will likely simplify the issues and hearing of this case, for at least two reasons. First, as discussed above, allowing the District Court litigation to proceed ahead of this investigation will provide the Moving Respondents with the opportunity to accept a license on judicially determined FRAND terms. Such a license would cover the patents asserted in this investigation, providing grounds for termination of the investigation altogether.

Second, a stay pending the resolution of the pending 800 Investigation would also serve to simplify the issues in this Investigation and to conserve valuable Commission resources. The 800 Investigation is at an advanced stage in the proceedings: the hearing just concluded, and the target date for the investigation is October 28, 2012. Prior investigations before this Commission have been stayed pending resolution of parallel investigations in the later stages of completion. *See Integrated Circuits*, Inv. No. 337-TA-822, Order 17 at 7.

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<sup>1</sup> Moving Respondents' discovery requests are made without prejudice to this Motion. If this Motion is granted, Moving Respondents agree that responses to their discovery requests would be included in the stay.

Here, the 800 Investigation includes issues that overlap substantially with the issues in this investigation. Four of the patents in the two investigations overlap with one another, and so final claim constructions and interpretations of domestic industry issues in the 800 Investigation’s Final Determination will inform the same issues here and will prevent the Commission from having to make the same analyses twice within the span of one year. Additionally, the two investigations will involve the same facts concerning InterDigital’s FRAND obligations. Where a Final Determination in a parallel investigation “will undoubtedly and unquestionably have a significant impact on narrowing and simplifying the issues in this investigation, *i.e.*, all of the parties will have the benefit of the Commission’s guidance,” a stay is proper to allow the Final Determination to issue. *See Integrated Circuits*, Inv. No. 337-TA-822, Order No. 17 at 6-7. Allowing such a stay will both streamline the Commission’s consideration of these issues and serve the interests of efficiency by preventing duplication of efforts.

**No Undue Prejudice or Tactical Advantage.** InterDigital will suffer only minimal, if any, prejudice as a result of a stay. The very point of the District Court claims brought by the Moving Respondents is to set a FRAND royalty rate for license agreements with InterDigital—which InterDigital has already agreed to accept through its irrevocable commitment to license its declared-essential patents on FRAND terms. Though a stay would prolong this Investigation’s target date, such a delay would be the result of InterDigital’s decision to file its claims in three separate investigations. There is no reason that InterDigital could not have filed the claims raised against the Moving Respondents in this Investigation in the 800 Investigation instead. Likewise, given the Moving Respondents’ request for the district court to set a FRAND royalty rate with

respect to InterDigital's declared-essential United States patents and their willingness to be bound by the determination of the court's ruling, a stay here would not prejudice InterDigital at all because its claims against the Moving Respondents would be resolved.

**The Stage of Parallel Proceedings.** As just discussed, the advance state of the 800 Investigation weighs in favor of a stay of this investigation. The final determination in that investigation will likely resolve certain claim construction and domestic industry issues, eliminating the need for the Commission to do so a second time, in parallel, in this investigation.

**Efficient Use of Commission Resources.** For all of the reasons just discussed, a stay would further efficient use of Commission Resources, by eliminating some or all of the issues at stake in this investigation.

## CONCLUSION

For the reasons stated herein, the Moving Respondents request that the Commission stay this Investigation until at least the District of Delaware has determined an appropriate FRAND royalty rate in the parallel federal court actions. In the alternative, the Moving Respondents request that the Commission stay the Investigation at least until a Final Determination issues in the 800 Investigation.

DATED: \_\_February 22, 2013

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**CERTIFICATE OF SERVICE**

I, Rayline Petitt, certify that a copy of the foregoing **MOTION TO STAY INVESTIGATION** was served as indicated to the parties listed below on this 22<sup>nd</sup> day of February, 2013.

The Honorable Lisa R. Barton Acting Secretary U.S. International Trade Commission 500 E Street, S.W., Room 112-A Washington, D.C. 20436	<input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Federal Express <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via Electronic Filing
The Honorable Robert K. Rogers Administrative Law Judge U.S. International Trade Commission 500 E Street, S.W., Room 317 Washington, D.C. 20436 (Two Copies)	<input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Federal Express <input checked="" type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via E-Mail
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/s/ Rayline Petitt  
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