

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

**In the Matter of**

**CERTAIN WIRELESS  
COMMUNICATIONS BASE STATIONS  
AND COMPONENTS THEREOF**

**Inv. No. 337-TA-871**

**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 January 24, 2013, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Adaptix, Inc. of Carrollton, Texas. 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 communications base stations and components thereof by reason of infringement of U.S. Patent No. 6,870,808 ("the '808 patent"). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests 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 February 22, 2013, 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 communications base stations and components thereof by reason of infringement of one or more of claims 1, 2, 4, 9, 13-16, 20, 21, 31, 32, 34, and 41 of the '808 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 complainant is:

Adaptix, Inc.  
4100 Midway Road, Suite 2010  
Carrollton, TX 75007

(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:

Telefonaktiebolaget LM Ericsson  
Torshamnsgatan 23, Kista  
164 83 Stockholm  
Sweden

Ericsson Inc.  
6300 Legacy Drive  
Plano, TX 75024

(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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton  
Acting Secretary to the Commission

Issued: February 25, 2013

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

**In the Matter of**

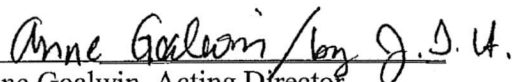
**CERTAIN WIRELESS COMMUNICATIONS  
BASE STATIONS AND COMPONENTS  
THEREOF**

**Inv. No. 337-TA-871**

**DESIGNATION OF OUII ATTORNEY  
FOR SERVICE OF PROCESS**

The Office of Unfair Import Investigations ("OUII") hereby designates Monica Bhattacharyya, Esq., (202) 205-1848, Monica.Bhattacharyya@usitc.gov, as OUII's lead attorney for service of process. It is requested that all documents served by the Commission or filed by the parties in the above-referenced investigation be served upon this attorney.

Respectfully submitted,

  
Anne Goalwin, Acting Director

**OFFICE OF UNFAIR IMPORT INVESTIGATIONS**  
U.S. International Trade Commission  
500 E Street, S.W., Suite 401  
Washington, D.C. 20436  
(202) 205-2560  
(202) 205-2158 (facsimile)


February 25, 2013

**CERTAIN WIRELESS COMMUNICATIONS BASE  
STATIONS AND COMPONENTS THEREOF**

**Inv. No. 337-TA-871**

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **NOTICE OF INSTITUTION OF INVESTIGATION** has been served by hand upon the Commission Investigative Attorney, Monica Bhattacharyya, Esq., and the following parties as indicated on **February 25, 2013**.



Lisa R. Barton, Acting Secretary  
U.S. International Trade Commission  
500 E Street, SW, Room 112  
Washington, DC 20436

**Complainant:**

Adaptix, Inc.  
4100 Midway Road, Suite 2010  
Carrollton, TX 75007

( ) Via Hand Delivery  
( ☒ ) Via Overnight Delivery  
( ) Via First Class Mail  
( ) Other: \_\_\_\_\_

**On Behalf of Complainant:**

Daniel E. Yonan, Esq.  
**STERNE KESSLER**  
1100 New York Avenue  
Washington, DC 20005

( ) Via Hand Delivery  
( ☒ ) Via Overnight Delivery  
( ) Via First Class Mail  
( ) Other: \_\_\_\_\_

**Respondents:**

Telefonaktiebolaget LM Ericsson  
Torshamsgatan 23, Kista  
164 83 Stockholm  
Sweden

( ) Via Hand Delivery  
( ☒ ) Via Overnight Delivery  
( ) Via First Class Mail  
( ) Other: \_\_\_\_\_

Ericsson Inc.  
6300 Legacy Drive  
Plano, TX 75024

( ) Via Hand Delivery  
( ☒ ) Via Overnight Delivery  
( ) Via First Class Mail  
( ) Other: \_\_\_\_\_

**CERTAIN WIRELESS COMMUNICATIONS BASE  
STATIONS AND COMPONENTS THEREOF**

**Inv. No. 337-TA-871**

Certificate of Service – Page 2

**Embassy:**

Embassy of Sweden  
2900 K Street, NW  
Washington, DC 20007-5105

( ) ~~Via Hand Delivery~~  
( ☒ ) ~~Via Overnight Delivery~~  
( ) Via First Class Mail  
( ) Other: \_\_\_\_\_

**Government Agencies:**

Edward T. Hand, Chief  
Foreign Commerce Section  
Antitrust Division  
U.S. Dept of Justice  
450 5th Street NW, Room 11000  
Washington, DC 20530

( ) Via Hand Delivery  
( ) ~~Via Overnight Delivery~~  
( ☒ ) ~~Via First Class Mail~~  
( ) Other: \_\_\_\_\_

U.S. Bureau of Customs and Border Protection  
Intellectual Property Rights Branch  
Mint Annex Building  
799 9th Street, NW, 7th Floor  
Washington, DC 20229-1177

( ) Via Hand Delivery  
( ) ~~Via Overnight Delivery~~  
( ☒ ) ~~Via First Class Mail~~  
( ) Other: \_\_\_\_\_

Elizabeth Kraus, Deputy Director  
International Antitrust, Office of International Affairs  
Federal Trade Commission  
600 Pennsylvania Avenue, Room 498  
Washington, DC 20580

( ) Via Hand Delivery  
( ) ~~Via Overnight Delivery~~  
( ☒ ) ~~Via First Class Mail~~  
( ) Other: \_\_\_\_\_

Richard Lambert, Esq.  
Office of Technology Development Services  
Dept. of Health and Human Services  
National Institutes of Health  
6610 Rockledge Drive, Room 2800, MSC 6606  
Bethesda, MD 20892

( ) Via Hand Delivery  
( ) ~~Via Overnight Delivery~~  
( ☒ ) ~~Via First Class Mail~~  
( ) Other: \_\_\_\_\_



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 25, 2013

Adaptix, Inc.  
4100 Midway Road, Suite 2010  
Carrollton, TX 75007

**Re: Certain Wireless Communication Base Stations and Components Thereof  
Televisions, and Components Thereof  
Inv. No. 337-TA-871**

Dear Sir/Madam:

This letter is to advise you that the U.S. International Trade Commission has instituted an investigation pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Commission's notice of investigation is enclosed. Also enclosed is the Section 337 Mediation Program brochure. After reviewing the brochure, please sign and return the enclosed certification of receipt.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa R. Barton", is written over a horizontal line.

Lisa R. Barton  
Acting Secretary

Enclosures:

1. Notice of Investigation
2. Publication No. 4329 Regarding the Section 337 Mediation Program
3. Certification of Receipt of Mediation Materials



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 25, 2013

Daniel E. Yonan, Esq.  
Sterne, Kessler, Goldstein & Fox PLLC  
1100 New York Avenue  
Washington, DC 20005

**Re: Certain Wireless Communication Base Stations and Components Thereof  
Televisions, and Components Thereof  
Inv. No. 337-TA-871**

Dear Mr. Yonan:

This letter is to advise you that the U.S. International Trade Commission has instituted an investigation pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Commission's notice of investigation is enclosed. Also enclosed is the Section 337 Mediation Program brochure. After reviewing the brochure, please sign and return the enclosed certification of receipt.

Sincerely,

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Lisa R. Barton  
Acting Secretary

Enclosures:

1. Notice of Investigation
2. Publication No. 4329 Regarding the Section 337 Mediation Program
3. Certification of Receipt of Mediation Materials





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## UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 25, 2013

Telefonaktiebolaget LM Ericsson  
Torshamsgatan 23, Kista  
164 83 Stockholm  
Sweden

**Re: Certain Wireless Communication Base Stations and Components Thereof  
Televisions, and Components Thereof  
Inv. No. 337-TA-871**

Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). **Telefonaktiebolaget LM Ericsson** is a named respondent in this investigation.

We are hereby serving you with a copy of the Complaint and the Notice of Investigation issued in this matter. Enclosed is a copy of the Code of Federal Regulations. Also enclosed is a the Section 337 Mediation Program brochure. After reviewing this brochure, please sign and return the enclosed certification of receipt.

Please note that the Notice requires a response to the allegations in the Complaint and the response must be received not later than twenty (20) days after the date of service of the Complaint. Failure to file a response may result in inferences being drawn against your interests.

Sincerely,

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Lisa R. Barton  
Acting Secretary

Enclosures:

1. Complaint
2. Notice of Investigation
3. Code of Federal Regulation
4. Publication No. 4329 Regarding the Section 337 Mediation Program
5. Certification of Receipt of Mediation Materials



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 25, 2013

Ericsson Inc.  
6300 Legacy Drive  
Plano, TX 75024

**Re: Certain Wireless Communication Base Stations and Components Thereof  
Televisions, and Components Thereof  
Inv. No. 337-TA-871**

Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). **Ericsson Inc.** is a named respondent in this investigation.

We are hereby serving you with a copy of the Complaint and the Notice of Investigation issued in this matter. Enclosed is a copy of the Code of Federal Regulations. Also enclosed is a the Section 337 Mediation Program brochure. After reviewing this brochure, please sign and return the enclosed certification of receipt.

Please note that the Notice requires a response to the allegations in the Complaint and the response must be received not later than twenty (20) days after the date of service of the Complaint. Failure to file a response may result in inferences being drawn against your interests.

Sincerely,

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Lisa R. Barton  
Acting Secretary

Enclosures:

1. Complaint
2. Notice of Investigation
3. Code of Federal Regulation
4. Publication No. 4329 Regarding the Section 337 Mediation Program
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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 25, 2013

Embassy of Sweden  
2900 K Street, NW  
Washington, DC 20007-5105

**Re: Certain Wireless Communication Base Stations and Components Thereof  
Televisions, and Components Thereof  
Inv. No. 337-TA-871**

Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). One or more of the parties named in the investigation is located in **Sweden**.

Pursuant to Commission Rule 210.11(a) (3), we are hereby serving you with a copy of the Complaint filed in this investigation together with a copy of the Commission's Notice of Investigation.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa R. Barton", is written over the word "Sincerely,".

Lisa R. Barton  
Acting Secretary

Enclosures:

1. Complaint
2. Notice of Investigation



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 25, 2013

Edward T. Hand, Chief  
Foreign Commerce Section  
Antitrust Division  
U.S. Dept of Justice  
450 5th Street NW, Room 11000  
Washington, DC 20530

**Re: Certain Wireless Communication Base Stations and Components Thereof  
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Inv. No. 337-TA-871**

Dear Mr. Hand:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Notice of Investigation is enclosed. Non-confidential copies of the Complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Sally Bromley, Case Manager to the Hon. Theodore R. Essex at (202) 708-4170.

If you have any questions concerning this investigation, please contact the Commission Investigative Attorney whose name and telephone number appear in the enclosed Notice.

Sincerely,

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Lisa R. Barton  
Acting Secretary

Enclosure:

1. Notice of Investigation



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 25, 2013

U.S. Bureau of Customs and Border Protection  
Intellectual Property Rights Branch  
Mint Annex Building  
799 9th Street, NW, 7th Floor  
Washington, DC 20229-1177

**Re: Certain Wireless Communication Base Stations and Components Thereof  
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Inv. No. 337-TA-871**

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Lisa R. Barton  
Acting Secretary

Enclosure:

1. Notice of Investigation



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 25, 2013

Elizabeth Kraus, Deputy Director  
International Antitrust, Office of International Affairs  
Federal Trade Commission  
600 Pennsylvania Avenue, Room 498  
Washington, DC 20580

**Re: Certain Wireless Communication Base Stations and Components Thereof  
Televisions, and Components Thereof  
Inv. No. 337-TA-871**

Dear Ms. Kraus:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Notice of Investigation is enclosed. Non-confidential copies of the Complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Sally Bromley, Case Manager to the Hon. Theodore R. Essex at (202) 708-4170.

If you have any questions concerning this investigation, please contact the Commission Investigative Attorney whose name and telephone number appear in the enclosed Notice.

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Lisa R. Barton  
Acting Secretary

Enclosure:

1. Notice of Investigation



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 25, 2013

Richard Lambert, Esq.  
Office of Technology Development Services  
Dept. of Health and Human Services  
National Institutes of Health  
6610 Rockledge Drive, Room 2800, MSC 6606  
Bethesda, MD 20892

**Re: Certain Wireless Communication Base Stations and Components Thereof  
Televisions, and Components Thereof  
Inv. No. 337-TA-871**

Dear Mr. Lambert:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Notice of Investigation is enclosed. Non-confidential copies of the Complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Sally Bromley, Case Manager to the Hon. Theodore R. Essex at (202) 708-4170.

If you have any questions concerning this investigation, please contact the Commission Investigative Attorney whose name and telephone number appear in the enclosed Notice.

Sincerely,

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Lisa R. Barton  
Acting Secretary

Enclosure:

1. Notice of Investigation