



7020-02

INTERNATIONAL TRADE COMMISSION

Investigation No. 337-TA-1053

Certain Two-Way Radio Equipment and Systems, Related Software and Components Thereof

Institution of Investigation

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 March 29, 2017, under section 337 of the Tariff Act of 1930, as amended, on behalf of Motorola Solutions, Inc. of Chicago, Illinois. 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 two-way radio equipment and systems, related software and components thereof by reason of infringement of U.S. Patent No. 8,116,284 (“the ’284 patent”); U.S. Patent No. 8,279,991 (“the ’991 patent”); U.S. Patent No. 7,369,869 (“the ’869 patent”); U.S. Patent No. 8,032,169 (“the ’169 patent”); U.S. Patent No. 7,729,701 (“the ’701 patent”); U.S. Patent No. 9,099,972 (“the ’972 patent”); and U.S. Patent No. 6,591,111 (“the ’111 patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited 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 <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: The Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205-1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2017).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on April 26, 2017, 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 two-way radio equipment and systems, related software and components thereof by reason of infringement of one or more of claims 1, 2, 4-10, 12-16, 18, and 19 of the '284 patent; claims 1-5, 7, 8, 10, 12-16, 18, 20-25, 27, 29, and 30 of the '169 patent; claims 1-14, and 17-24 of the '869 patent; claims 1-5, 8-15, 17, and 18 of the '701 patent; claims 7 and 8 of the '991 patent; claims 1, 3, 4, and 6-8 of the '972 patent; and claims 1

and 3-16 of the '111 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) 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:

Motorola Solutions, Inc.

500 W. Monroe Street

Chicago, IL 60661

(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:

Hytera Communications Corp. Ltd.

Hytera Tower,

Hi-Tech Industrial Park North #9108

Beihuan Road, Nanshan District, Shenzhen,

China

Hytera America, Inc.

3315 Commerce Parkway

Miramar, FL 33025

Hytera Communications America (West), Inc.

300 Spectrum Center Drive, Suite 1120

Irvine, CA 92618

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

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 CFR 210.13. Pursuant to 19 CFR 201.16(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.

Lisa R. Barton

Secretary to the Commission

Issued: April 28, 2017

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