



UNITED STATES INTERNATIONAL TRADE COMMISSION

WASHINGTON, DC 20436

C086-QQ-001

January 12, 2018

MEMORANDUM

TO: THE SECRETARY¹

FROM: Rhonda K. Schmidlein, Chairman *RKS*

SUBJECT: Institution of Investigation for Docket Number 337-3263, *Certain IoT Devices and Components Thereof (IoT, The Internet of Things) – Web Applications Displayed on a Web Browser*

I file this memorandum to explain my view that I do not support use of the Commission's early disposition pilot program in this investigation. The named respondents and proposed respondents have filed submissions alleging that the term of the asserted patent expires on March 5, 2018, which is 52 days from today's date, the date the Commission voted on institution. See, e.g., EDIS Doc IDs 625765 (Facebook); 626083 (SAP); 626271 (Samsung and Apple). The institution notice states that the Administrative Law Judge "shall hold an early evidentiary hearing, find facts, and issue" a decision on domestic industry within 100 days of institution. Any decision by the Administrative Law Judge on domestic industry under the procedure of the pilot program may likely come after March 5, 2018. Therefore, in my view, I do not believe that imposing the cost associated with the procedure is warranted in this investigation.

¹ This is a public document to be filed on EDIS.