

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

**Before the Honorable MaryJoan McNamara
Administrative Law Judge**

In the Matter of

**CERTAIN WIRELESS FRONT-END MODULES
AND DEVICES CONTAINING THE SAME**

Inv. No. 337-TA-1413

**COMPLAINANTS' MOTION TO PARTIALLY TERMINATE
THE INVESTIGATION AS TO PATENT NO. 9,148,194**

For the reasons set forth in the accompanying Memorandum of Points and Authorities, Complainants Skyworks Solutions, Inc., Skyworks Solutions Canada, Inc., and Skyworks Global Pte. Ltd. (collectively, "Skyworks") respectfully move pursuant to Commission Rule 210.21(a) to terminate the Investigation in part as to U.S. Patent No. 9,148,194 (the "'194 patent").

Commission Rule 210.21(a) provides in relevant part that: "Any party may move at any time prior to the issuance of an initial determination on violation of section 337 of the Tariff Act of 1930 to terminate an investigation in whole or in part as to any or all respondents, on the basis of withdrawal of the complaint or certain allegations contained therein[.]" This Motion seeks to withdraw certain allegations contained in Skyworks' Complaint and thus comports with Commission Rule 210.21(a). Further, this Motion reduces the number of issues to be decided in this Investigation by reducing the number of patents at issue. Pursuant to Commission Rule 210.21(a)(1), Complainants state there are two agreements between the parties, a Representative Products Stipulation and Joint Discovery and Procedural Stipulation. *See* Representative Products Stipulation, EDIS DocID 834988 (Oct. 17, 2024); Joint Discovery Stipulation, EDIS DocID

835713 (Oct. 28, 2024). In addition, there are no extraordinary circumstances that would justify denying partial termination.

Skyworks has met and conferred with the Commission Investigative Staff and Respondents regarding this motion, and neither the Staff nor Respondents oppose.

Accordingly, and for the reasons set forth in the accompanying Memorandum of Points and Authorities in support hereof, Skyworks requests that the Administrative Law Judge grant the Motion, terminating in part the Investigation with respect to the one asserted claim of the '194 patent.

Dated: November 27, 2024

Respectfully Submitted,

**SKYWORKS SOLUTIONS INC., SKYWORKS
SOLUTIONS CANADA, INC. AND SKYWORKS
GLOBAL PTE. LTD.**

By: /s/ James M. Dowd

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**MEMORANDUM IN SUPPORT OF COMPLAINANTS' MOTION TO PARTIALLY
TERMINATE THE INVESTIGATION AS TO PATENT NO. 9,148,194**

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Pursuant to Commission Rule 210.21(a), Complainants Skyworks Solutions, Inc., Skyworks Solutions Canada, Inc., and Skyworks Global Pte. Ltd. (collectively, “Skyworks”) move to partially terminate the Investigation as to the one asserted claim of U.S. Patent No. 9,148,194 (the “’194 patent).

Commission Rule 210.21(a)(1) provides in relevant part that:

“Any party may move at any time prior to the issuance of an initial determination on violation of section 337 of the Tariff Act of 1930 to terminate an investigation in whole or in part as to any or all respondents, on the basis of withdrawal of the complaint or certain allegations contained therein[.]”

This motion complies with the Commission Rules and narrows the issues in this Investigation by removing one Asserted Patent, thus streamlining the Investigation and permitting the parties and the Commission to focus their resources going forward on the remaining asserted claims of U.S. Patent Nos. 8,717,101, 9,917,563, and 9,450,579. Skyworks has met and conferred with the Commission Investigative Staff and Respondents. No party opposes this motion. Moreover, pursuant to Commission Rule 210.21(a)(1), Complainants state there are two agreements between the parties, a Representative Products Stipulation and Joint Discovery and Procedural Stipulation. *See* Representative Products Stipulation, EDIS DocID 834988 (Oct. 17, 2024); Joint Discovery Stipulation, EDIS DocID 835713 (Oct. 28, 2024). In addition, there are no extraordinary circumstances that would justify denying partial termination.

I. BACKGROUND

Skyworks filed its Complaint in this Investigation on July 16, 2024, asserting against Respondents a single claim of the ’194 patent (claim 4), among other patents and claims. The ALJ issued Order No. 10 on September 25, 2024, setting the procedural schedule for this Investigation and setting the Target Date as February 23, 2026. The Investigation is currently in the pre-hearing, fact discovery stage where the parties are presently preparing for fact depositions. On November

1, 2024, Skyworks moved to amend the Complaint to add claims 2, 3, 8, and 9 of U.S. Patent No. 9,450,579 (the “’579 patent”) and to partially terminate the investigation as to all asserted claims of U.S. Patent No. 7,409,200 (the “’200 patent”). Skyworks’ motion to terminate the Investigation as to the ’200 patent was granted on November 8, 2024. Skyworks’ motion to amend remains pending.

The ’194 and ’579 patents both generally relate to the design of and methods of operation for “a radio-frequency (RF) switch system” having improved intermodulation distortion performance as implemented in wireless Front-End Module (“FEM”). These patents share overlapping specifications, both claim priority to Provisional Application No. 61/669,045 filed on July 7, 2012, and the application leading to the ’579 patent was a division of the application leading to the ’194 patent. As stated in Skyworks’ Complaint, all asserted claims of the ’579 patent and the single asserted claim of the ’194 patent are asserted against the same infringing KCT FEMs and products containing same.

II. ARGUMENT

Under Commission Rule 210.21(a)(1), “[a]ny party may move at any time prior to the issuance of an initial determination on violation of section 337 of the Tariff Act of 1930 to terminate an investigation in whole or in part [.]” “[I]n the absence of extraordinary circumstances, termination of the investigation will be readily granted to a complainant during the prehearing stage of an investigation.” *Certain Omega-3 Extracts From Marine or Aquatic Biomass and Products Containing the Same*, Inv. No. 337-TA-877, Order No. 11 (Initial Determination), EDIS Doc ID 514365, at 2 (July 24, 2013) (citations omitted); *see also Certain Oscillating Sprinklers, Sprinkler Components, and Nozzles*, Inv. No. 337-TA-448, Order No. 26 (Initial Determination), EDIS Doc ID 60430, at 2 (Sept. 25, 2001) (same); *Certain Electronic Devices, Including Wireless*

Communication Devices, Tablet Computers, Media Players, and Televisions, and Components Thereof, Inv. No. 337-TA-862, Order No. 63 (Initial Determination), EDIS Doc ID 517807, at 1-2 (Sept. 9, 2013) (same); *Certain Laminated Floor Panels*, Inv. No. 337-TA-545, Order No. 30 (Initial Determination), EDIS Doc ID 251272, at 2 (Apr. 3, 2006) (same).

Skyworks' request to terminate the Investigation with respect to the '194 patent satisfies the Commission's standard. As outlined above, the Investigation remains in the pre-hearing stage. *Certain Oscillating Sprinklers*, Inv. No. 337-TA-448, Order No. 26 at 2. As a result, termination now will serve the public interest by conserving both judicial and party resources. *Id.* Moreover, Skyworks is aware of no extraordinary circumstance that would prohibit termination of the '194 patent from this Investigation. Indeed, the Staff and Respondents have all confirmed that they support termination of the '194 patent.

III. CONCLUSION

For the reasons discussed above, Skyworks respectfully requests that its Motion to Partially Terminate the Investigation as to the '194 Patent be granted.

Dated: November 27, 2024

Respectfully Submitted,

**SKYWORKS SOLUTIONS INC., SKYWORKS
SOLUTIONS CANADA, INC. AND SKYWORKS
GLOBAL PTE. LTD.**

By: /s/ James M. Dowd

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**IN THE MATTER OF CERTAIN WIRELESS FRONT-END MODULES AND
DEVICES CONTAINING THE SAME
INV. NO. 337-TA-1413**

CERTIFICATE OF SERVICE

I, Lanta M. Chase, hereby certify that on November 27, 2024 I caused a copy of the foregoing, **COMPLAINANTS' MOTION TO PARTIALLY TERMINATE THE INVESTIGATION AS TO PATENT NO. 9,148,194** to be served upon the following parties as indicated below:

<p>The Honorable Lisa R. Barton Secretary U.S. International Trade Commission 500 E Street, S.W. Washington, DC 20436</p>	<p><input checked="" type="checkbox"/> Via Electronic Filing <input type="checkbox"/> Via Overnight Delivery <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via Electronic Mail</p>
<p>The Honorable MaryJoan McNamara Administrative Law Judge U.S. International Trade Commission 500 E Street, S.W., Room 317 Washington, DC 20436</p>	<p><input checked="" type="checkbox"/> Via Electronic Filing <input type="checkbox"/> Via Overnight Delivery <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via Electronic Mail: McNamara337@usitc.gov</p>
<p>Linda Chang, Esq. Office of Unfair Import Investigations U.S. International Trade Commission 500 E Street, S.W., Room 401 Washington, DC 20436</p>	<p><input type="checkbox"/> Via Hand Delivery (2 Copies) <input type="checkbox"/> Via Overnight Delivery <input type="checkbox"/> Via Facsimile <input checked="" type="checkbox"/> Via Electronic Mail: Linda.chang@usitc.gov</p>
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/s/ Lanta M. Chase
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