

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1302]

Certain Cellular Base Station Communication Equipment, Components Thereof, and Products Containing Same; Notice of Commission Determination Not To Review an Initial Determination Terminating the Investigation Based on Settlement; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission ("Commission") has determined not to review an initial determination ("ID") (Order No. 27) of the presiding administrative law judge ("ALJ") granting a joint motion to terminate the investigation in its entirety based on settlement. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: On February 25, 2022, the Commission instituted this investigation based on a complaint, as amended, filed on behalf of Apple Inc. of Cupertino, California ("Apple"). 87 FR 10819 (Feb. 25, 2022). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain cellular base station communication equipment, components thereof, and products containing same that infringe claims 1-3, 11, and 12 of U.S. Patent No. 9,882,282 ("the '282 patent"); claims 1-4, 6-10, 18, 19, and 21 of U.S. Patent No. 10,263,340 ("the '340 patent"); and

claims 1-6, 13 and 14 of U.S. Patent No. 9,667,290 ("the '290 patent"). *Id.* The complaint also alleges that a domestic industry exists. *Id.* The Commission's notice of investigation names as respondents Ericsson AB of Stockholm, Sweden, and Ericsson Inc. of Plano, Texas (together, "Ericsson"). *Id.* The Office of Unfair Import Investigations ("OUII") is participating in this investigation on the issues of remedy, the public interest, and bonding. Commission Investigative Staff's Notice of Partial Participation (Mar. 7, 2022).

On December 2, 2022, the Commission determined not to review an ID granting Apple's motion for summary determination that it has satisfied the economic prong of the domestic industry requirement with respect to the '282, '340, and '290 patents. Order No. 17 (Nov. 2, 2022); *unreviewed by Comm'n* Notice (Dec. 2, 2022).

On February 6, 2023, Apple and Ericsson filed a joint motion to terminate the investigation based on a settlement agreement. On February 7, 2023, OUII filed a response in support of the motion.

On February 22, 2023, the ALJ issued the subject ID pursuant to Commission Rule 210.21(b)(1) (19 CFR 210.21(b)(1)), granting the motion. The ID finds that terminating the investigation based on settlement has no adverse effect on the public interest. No party petitioned for review of the ID.

The Commission has determined not to review the subject ID. The investigation is hereby terminated in its entirety.

The Commission vote for this determination took place on March 22, 2023.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 23, 2023.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2023-06371 Filed 3-27-23; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1300]

Certain Mobile Phones, Tablet Computers, Smart Watches, Smart Speakers, and Digital Media Players, and Products Containing Same; Commission Determination Not To Review an Initial Determination Terminating the Investigation Based on Settlement and To Vacate as Moot an Initial Determination Granting Summary Determination That the Economic Prong of the Domestic Industry Requirement Is Satisfied; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination ("ID") (Order No. 34) of the presiding Administrative Law Judge ("ALJ") terminating the investigation based on settlement. In addition, the Commission has determined to vacate as moot an ID (Order No. 29) granting summary determination that the economic prong of the domestic industry requirement is satisfied. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: On February 24, 2022, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), based on a complaint filed by Ericsson Inc. of Plano, Texas, and Telefonaktiebolaget LM Ericsson of Stockholm, Sweden (collectively, "Ericsson"). *See* 87 FR 10385-86 (Feb. 24, 2022). The complaint, as supplemented, alleges a violation 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 mobile phones, tablet computers, smart watches, smart speakers, and digital media players, and products containing same by reason of infringement of certain claims of U.S. Patent Nos. 7,151,430 (“the ‘430 patent”); 9,509,273 (“the ‘273 patent”); 9,853,621 (“the ‘621 patent”); 7,957,770 (“the ‘770 patent”); and 9,705,400 (“the ‘400 patent”) (collectively, “Asserted Patents”). *See id.* The notice of investigation names Apple, Inc. (“Apple”) of Cupertino, California, as the respondent in the investigation. *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

On December 16, 2022, the Commission partially terminated the investigation as to: (1) all asserted claims of the ‘400 patent; (2) all asserted claims of the ‘621 patent; (3) claims 11 and 12 of the ‘430 patent; (4) claims 1 and 7 of the ‘273 patent; and (5) claims 4, 8–10, 12, 15, and 16 of the ‘770 patent based on withdrawal of the complaint as to those patents and claims. *See* Order No. 25 (Nov. 21, 2022), *unreviewed by* Comm’n Notice (Dec. 16, 2022).

On July 26, 2022, Ericsson filed a motion for summary determination that the economic prong of the domestic industry requirement is satisfied for each of the Asserted Patents (“Ericsson’s SD Motion”). On August 4, 2022, Apple filed a response to Ericsson’s SD Motion stating that Apple does not dispute Ericsson’s SD Motion to the extent it relates to the economic prong of the domestic industry requirement but that Apple disputes that Ericsson has satisfied the technical prong of the domestic industry requirement.

On November 30, 2022, the ALJ issued an ID (Order No. 29) granting summary determination that Ericsson satisfies the economic prong of the domestic industry requirement. On March 2, 2023, the Commission issued a notice extending until March 24, 2023, the deadline for determining whether to review the ID (Order No. 29).

On February 6, 2023, Ericsson and Apple jointly moved to terminate the investigation in its entirety based on settlement. On February 7, 2023, OUII filed a response in support of the joint motion.

On February 22, 2023, the ALJ issued an ID (Order No. 34) granting the joint motion to terminate the investigation. The ID finds that the joint motion complies with Commission Rule 210.21(b)(1), 19 CFR 210.21(b)(1). *See* ID at 3. Specifically, the ID notes that the

joint motion includes confidential and public copies of the settlement agreement. *See id.* In addition, the motion states that “[t]here are no other agreements, written or oral, express or implied between the Ericsson and Apple concerning the subject matter of this Investigation.” *See id.* Furthermore, in accordance with Commission Rule 210.50(b)(2), 19 CFR 210.50(b)(2), the ID finds that “terminating this Investigation is in the public interest and will conserve public and private resources.” *See id.*

No petitions for review of the subject IDs (Order Nos. 29 and 34) were filed.

The Commission has determined not to review the ID terminating the investigation based on settlement (Order No. 34). In addition, the Commission has determined to vacate as moot the ID (Order No. 29) granting summary determination that the economic prong of the domestic industry requirement is satisfied. The investigation is terminated.

The Commission’s vote for these determinations took place on March 22, 2023.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 22, 2023.

Lisa R. Barton,

Secretary to the Commission.

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DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Exemption Application No. D–12075]

Proposed Exemption for Certain Prohibited Transaction Restrictions Pacific Investment Management Company LLC, Newport Beach, California

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document provides notice of the pendency before the Department of Labor (the Department) of a proposed individual exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (ERISA or the Act) and/or the Internal Revenue

Code of 1986 (the Code). If the proposed exemption is granted, certain asset managers with specified relationships to the Pacific Investment Management Company LLC (PIMCO or the Applicant) will not be precluded from relying on the exemptive relief provided by Prohibited Transaction Class Exemption 84–14 (PTE 84–14 or the QPAM Exemption), notwithstanding the upcoming judgment of conviction against Allianz Global Investors US LLC (AGI US) for one count of securities fraud.

DATES:

Comments due: Written comments and requests for a public hearing on the proposed exemption should be submitted to the Department by May 12, 2023.

Exemption dates: If granted, this proposed exemption will be in effect for a period of five years beginning on May 17, 2023, and ending on May 16, 2028.

ADDRESSES: All written comments and requests for a hearing should be submitted to the Employee Benefits Security Administration (EBSA), Office of Exemption Determinations, Attention: Application No. D–12075 via email to e-OED@dol.gov or online through <http://www.regulations.gov>. Any such comments or requests should be sent by the end of the scheduled comment period. The application for exemption and the comments received will be available for public inspection in the Public Disclosure Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N–1515, 200 Constitution Avenue NW, Washington, DC 20210. See **SUPPLEMENTARY INFORMATION** below for additional information regarding comments.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Brennan of the Department at (202) 693–8456. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION:

Comments: Persons are encouraged to submit all comments electronically and not to follow with paper copies. Comments should state the nature of the person’s interest in the proposed exemption and how the person would be adversely affected by the exemption, if granted. Any person who may be adversely affected by an exemption can request a hearing on the exemption. A request for a hearing must state: (1) The name, address, telephone number, and email address of the person making the request; (2) the nature of the person’s interest in the exemption and the manner in which the person would be adversely affected by the exemption;