

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C. 20436**

**In the Matter of**

**CERTAIN ELECTRONIC DEVICES,  
INCLUDING MOBILE PHONES,  
PORTABLE MUSIC PLAYERS, AND  
COMPUTERS**

**Investigation No. 337-TA-701**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING COMPLAINANT'S MOTION THAT IT HAS MET  
THE ECONOMIC PRONG OF THE DOMESTIC INDUSTRY REQUIREMENT**

**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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 58) granting complainant's motion for summary determination that it has met the economic prong of the domestic industry requirement in Inv. No. 337-TA-701, *Certain Electronic Devices, Including Mobile Phones, Portable Music Players, and Computers*.

**FOR FURTHER INFORMATION CONTACT:** Panyin A. Hughes, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3042. Copies of non-confidential documents filed in connection with this investigation are or will be 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., Washington, D.C. 20436, telephone (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>. 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:** The Commission instituted this investigation on January 28, 2010, based on a complaint filed by Nokia Corporation of Finland and Nokia Inc. of White Plains, New York (collectively, "Nokia"). 75 *Fed. Reg.* 4583-4 (Jan. 28, 2010). The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic devices, including mobile phones, portable music players, and computers by reason of infringement of various claims of U.S. Patent Nos. 6,895,256;

6,518,957; 6,714,091; 6,834,181; 6,073,036; 6,924,789; and 6,262,735 (subsequently terminated from the investigation). The complaint named Apple Inc. of Cupertino, California (“Apple”) as respondent.

On September 28, 2010, Nokia filed a motion for summary determination that it has met the economic prong of the domestic industry requirement based on substantial investments in the United States in activities that exploit the asserted patents, including engineering, research and development, repair and service, and testing of mobile phones that practice the asserted patents pursuant to 19 U.S.C. §1337(a)(3)(C). On October 8, 2010, Apple opposed the motion. That same day, the Commission investigative attorney (“IA”) filed a response supporting Nokia’s motion that it satisfied the economic prong as a matter of law due to substantial investments in the exploitation of the asserted patents.

On November 18, 2010, the ALJ issued the subject ID, granting Nokia’s motion for summary determination. On November 29, 2010, Apple filed a petition for review of the ID. Nokia and the IA filed oppositions to Apple’s petition on December 6, 2010. On December 14, 2010, Apple filed a motion for leave to file a reply in support of its petition for review. The motion is denied.

The Commission has determined not to review the ID.

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 section 210.42 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

/s/  
Marilyn R. Abbott  
Secretary to the Commission

Issued: December 20, 2010