

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

**In the Matter of**

**CERTAIN PORTABLE ELECTRONIC  
DEVICES AND RELATED SOFTWARE**

**Investigation No. 337-TA-721**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING COMPLAINANTS' UNOPPOSED MOTION TO  
TERMINATE THE INVESTIGATION AS TO CLAIMS 39 AND 42-44  
OF U.S. PATENT NO. 6,320,957**

**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. 37) of the presiding administrative law judge ("ALJ") granting complainant's unopposed motion to terminate the investigation as to claims 39 and 42-44 of U.S. Patent No. 6,320,957.

**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 June 17, 2010, based on a complaint filed by HTC Corp. of Taiwan on May 12, 2010. *75 Fed. Reg.* 34484-5 (June 17, 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 portable electronic devices and related software by reason of infringement of various claims of United States Patent Nos. 6,999,800; 5,541,988; 6,058,183; 6,320,957 ("the '957 patent"); and 7,716,505. The complaint named Apple Inc. of Cupertino, California as respondent.

On March 1, 2011, HTC filed an unopposed motion to terminate the investigation as to claims 39 and 42-44 of the '957 patent. On March 2, 2011, the ALJ issued the subject ID (Order No. 37) granting HTC's motion. The ALJ found that HTC's motion was based on withdrawal of certain allegations from the complaint and that it satisfied Commission Rule 210.21(a)(1) (19 C.F.R. § 210.21(a)(1)). None of the parties petitioned for review of the ID.

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/

William R. Bishop  
Acting Secretary to the Commission

Issued: March 17, 2011