

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 COMPLAINANT'S MOTION FOR SUMMARY
DETERMINATION 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. 40) granting complainant's motion for summary determination that it has met the economic prong of the domestic industry requirement.

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 ("HTC") 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; and 7,716,505. The complaint named Apple Inc. of Cupertino, California ("Apple") as respondent.

On February 23, 2011, HTC moved for summary determination that it has satisfied the economic prong of the domestic industry requirement under 19 U.S.C. § 1337(a)(3). On March 1, 2011, Apple submitted a notice that it would not oppose HTC's motion. The Commission investigative attorney filed a response in support of HTC's motion on March 7, 2011.

On March 15, 2011, the ALJ issued the subject ID (Order No. 40) granting HTC's motion. The ALJ found that undisputed record evidence established that HTC satisfied the economic prong of the domestic industry requirement under 19 U.S.C. § 1337(a)(3). 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/
James R. Holbein
Acting Secretary to the Commission

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