

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN PORTABLE ELECTRONIC
DEVICES AND RELATED SOFTWARE**

Investigation No. 337-TA-797

**NOTICE OF COMMISSION DETERMINATION
NOT TO REVIEW AN INITIAL DETERMINATION
TERMINATING THE INVESTIGATION AS TO
CERTAIN ASSERTED PATENT CLAIMS**

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 unopposed motion to terminate the above-captioned investigation as to certain asserted patent claims.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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 August 12, 2011, based on a complaint filed by Apple Inc. of Cupertino, California ("Apple"), alleging a violation 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 by reason of certain portable electronic devices and related software by reason of the infringement of claims of U.S. Patent Nos. RE42,738 ("the '738 patent"); 7,844,915 ("the '915 patent"); 7,469,381 ("the '381 patent"); 7,084,859 ("the '859 patent"); 7,920,129 ("the '129 patent"); and 6,956,564. 76 *Fed. Reg.* 50253 (Aug. 12, 2011). The notice of investigation named as respondents HTC Corp. of Taiwan and its subsidiaries HTC America, Inc. of Bellevue, Washington, and Exedeia, Inc. of Houston, Texas. The Commission

previously terminated the investigation as to claims 15-19 and 21 of the '915 patent. Notice (June 22, 2012).

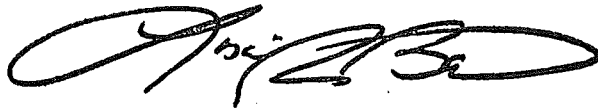
On June 25, 2012, Apple moved to terminate the investigation as to the following patents and claims: (1) all asserted claims (*i.e.*, claims 4, 28, 36, and 37) of the '738 patent; (2) claims 2-3, 5, 7-8, 10, 12, 14, 16, 18, and 19 of the '381 patent; (3) claims 4, 7, 11, and 14 of the '915 patent; (4) claims 15-19 of the '859 patent; and (5) claims 1, 2, 8-11, 17-19, 21-22, and 24-26 of the '129 patent. The motion indicated that the respondents do not oppose the requested partial termination.

On June 26, 2012, the ALJ issued the subject ID, granting the motion pursuant to section 210.21(a)(1) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.21(a)(1)). No petitions for review of the ID were filed.

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton
Acting Secretary to the Commission

Issued: July 25, 2012