

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

In the Matter of

**CERTAIN ELECTRONIC DEVICES WITH
MULTI-TOUCH ENABLED TOUCHPADS
AND TOUCHSCREENS**

Investigation No. 337-TA-714

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION RELATING TO MOTION NOS. 714-4 AND 714-7 FOR SUMMARY
DETERMINATION AND FINDING EACH OF CLAIMS 19, 24, AND 30 OF THE '352
PATENT INVALID**

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 initial determination ("ID") (Order No. 15) relating to Motion Nos. 714-4 and 714-7 for summary determination and finding each of claims 19, 24, and 30 of U.S. Patent No. 5,825,352 ("the '352 patent") invalid in the above-captioned investigation

FOR FURTHER INFORMATION CONTACT: James A. Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3065. 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 April 29, 2010, based on a complaint filed by Elan Microelectronics Corporation of Taiwan ("Elan"), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain electronic devices with multi-touch enabled touchpads and touchscreens by reason of infringement of certain claims of the '352 patent. *75 Fed. Reg.* 22625 (April 29, 2010). The complaint named Apple, Inc. of Cupertino, California ("Apple") as the only respondent.

On July 14, 2010, respondent Apple filed a motion for summary determination in which it argued, *inter alia*, that each of claims 19, 24, and 30 is invalid by reason of indefiniteness. (Motion No. 714-4.) On July 27, 2010, the Commission investigative attorney filed a motion for summary determination asserting, *inter alia*, the same. (Motion No. 714-7.)

On September 28, 2010, the presiding administrative law judge issued an ID granting the motion of respondent Apple for summary determination that claims 19, 24, and 30 of the '352 patent were invalid by reason of indefiniteness. On October 6, 2010, respondent Elan filed petitions for review of Order No. 15. On October 14, 2010, Apple and the Commission investigative attorney, each filed a response to the petition for review.

Upon review of the petition and the responses thereto, 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: October 28, 2010