

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

**In the Matter of**

**CERTAIN PERSONAL DATA AND MOBILE  
COMMUNICATIONS DEVICES AND  
RELATED SOFTWARE**

**Investigation No. 337-TA-710**

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

**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administrative law judge's initial determination ("ID") (Order No. 41) terminating the investigation as to four patents withdrawn by the complainant.

**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 April 6, 2010, based on a complaint filed by Apple Inc., and its subsidiary NeXT Software, Inc., both of Cupertino, California (collectively, "Apple"), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain personal data and mobile communications devices and related software. *75 Fed. Reg.* 17434 (Apr. 6, 2010). The complaint named as respondents High Tech Computer Corp. of Taiwan and its United States subsidiaries HTC America Inc. of Bellevue, Washington, and Exedia, Inc. of Houston, Texas (collectively, "HTC"). The complaint alleged that HTC infringes over 80 patent claims from ten patents.

Several patents asserted by Apple in this investigation were earlier asserted by Apple against Nokia Corp. and Nokia Inc. (collectively, “Nokia”) in Investigation No. 337-TA-704. On motion by the Commission investigative attorney and by the respondents in both investigations, the Chief ALJ transferred Apple’s assertion of overlapping patents against Nokia from the 704 investigation into the 710 investigation. *See* Inv. No. 337-TA-704, Order No. 5 (Apr. 26, 2010).

In an effort to narrow this investigation, on October 28, 2010, Apple moved to terminate the investigation as to U.S. Patent Nos. 5,519,867; 5,915,131; 5,929,852; and RE39,486. The other parties did not oppose the motion, and on November 10, 2010, the ALJ granted the motion as an ID (Order No. 41).

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 sections 210.21 and 210.42 of the Commission’s Rules of Practice and Procedure (19 C.F.R. §§ 210.21, 210.42).

By order of the Commission.

/s/  
Marilyn R. Abbott  
Secretary to the Commission

Issued: November 29, 2010