

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

In the Matter of

**CERTAIN MOBILE
COMMUNICATIONS AND COMPUTER
DEVICES AND COMPONENTS
THEREOF**

Investigation No. 337-TA-704

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANT'S MOTION FOR SUMMARY
DETERMINATION THAT THE IMPORTATION REQUIREMENT OF SECTION 337
IS SATISFIED WITH RESPECT TO NOKIA'S N8 PRODUCT**

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. 48) granting the motion of complainant Apple Inc. for summary determination of importation with respect to respondents Nokia Corporation's and Nokia Inc.'s N8/Vasco phone.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2301. 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 February 24, 2010, based on a complaint filed by Apple Inc., f/k/a Apple Computer, Inc. of Cupertino, California ("Apple"). 75 *Fed. Reg.* 8399-400. The complaint, as amended and supplemented, alleges violations of Section 337 of the Tariff Act of 1930, as amended, 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 mobile communications and computer devices and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 5,379,431;

5,455,599; 5,519,867; 5,915,131; 5,920,726; 5,969,705; 6,343,263; 6,424,354; and RE39,486. The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named Nokia Corporation of Espoo, Finland and Nokia Inc. of White Plains, NY (collectively "Nokia") as respondents.

On August 5, 2010, Apple filed a motion for summary determination that the importation requirement of Section 337 is satisfied for Nokia's N8/Vasco phone. On August 16, 2010, Nokia responded that it does not dispute that developmental prototypes of the N8/Vasco phone have been imported into and tested in the United States. Also on August 16, 2010, the Commission investigative staff responded that it does not oppose the motion with the understanding that the developmental prototype may not be representative of the allegedly infringing aspects of the yet-to-be commercially released N8 product.

On October 5, 2010, the ALJ issued the subject ID, granting Apple's motion for summary determination of importation. The ALJ found that the undisputed facts show that Nokia has imported the accused N8 product into the United States, and that Apple has, therefore, satisfied the jurisdictional importation requirement of 19 U.S.C. § 1337(a)(1)(B) for the N8 product. No petitions for review 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.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: November 2, 2010