

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

In the Matter of

CERTAIN ELECTRONIC DEVICES WITH  
MULTI-TOUCH ENABLED TOUCHPADS  
AND TOUCHSCREENS

Inv. No. 337-TA-714

Notice To The Parties

The Final Initial and Recommended Determinations (ID) were filed on April 29, 2011. Attached are the title page, conclusions of law and the order, which are not confidential and which form a portion of said determinations. For receiving said ID, see Commission rules 210.6 and 210.7. Counsel for complainant, respondent and the staff received a copy of this notice on April 29, 2011.



Paul J. Luckern  
Chief Administrative Law Judge

Issued: April 29, 2011

PUBLIC VERSION

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In the Matter of

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Inv. No. 337-TA-714

Final Initial and Recommended Determinations

This is the administrative law judge's Final Initial Determination under Commission rule 210.42. The administrative law judge, after a review of the record developed, finds inter alia that there is jurisdiction and that there is no violation of section 337 of the Tariff Act of 1930, as amended.

This is also the administrative law judge's Recommended Determination on remedy and bonding, pursuant to Commission rules 210.36(a) and 210.42(a)(1)(ii). Should the Commission find a violation, the administrative law judge recommends the issuance of a limited exclusion order barring entry into the United States of infringing electronic devices with multi-touch enabled touchpads and touchscreens as well as the issuance of an appropriate cease and desist order. The imposition of any bond during the Presidential Review period is not recommended.

## CONCLUSIONS OF LAW

1. The Commission has in personam and in rem jurisdiction.
2. There has been an importation of accused electronic devices with multi-touch enabled touchpads and touchscreens into the United States which are the subject of the unfair trade allegations.
3. It has not been established that the claims 1, 2, 7 and 16 of the '352 patent are invalid.
4. Complainant has failed to show that asserted claims 1, 2, 7 and 16 of the '352 patent are infringed.
5. Complainant has not established a domestic industry.
6. The evidence establishes that there is no violation of section 337.
7. In the event a violation of section 337 is found, a limited exclusion order and cease and desist order are recommended. However no bond is recommended.

## ORDER

Based on the foregoing, and the record as a whole, it is the administrative law judge's Final Initial Determination that there is no violation of section 337 in the importation into the United States, sale for importation, and sale within the United States after importation of certain electronic devices with multi-touch enabled touchpads and touchscreens. It is also the administrative law judge's recommendation, should a violation be found, that a limited exclusion order issue barring entry into the United States of infringing electronic devices with multi-touch enabled touchpads and touchscreens and that an appropriate cease and desist order should also issue. The administrative law judge does not recommend any bond should a violation be found.

The administrative law judge hereby CERTIFIES to the Commission his Final Initial and Recommended Determinations. The briefs of the parties, filed with the Secretary, are not

certified, since they are already in the Commission's possession in accordance with Commission rules.

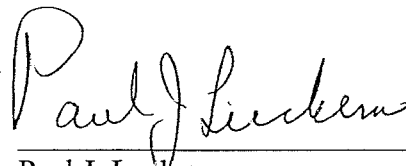
Further it is ORDERED that:

1. In accordance with Commission rule 210.39, all material heretofore marked in camera because of business, financial and marketing data found by the administrative law judge to be cognizable as confidential business information under Commission rule 201.6(a), is to be given in camera treatment continuing after the date this investigation is terminated.

2. Counsel for the parties shall have in the hands of the administrative law judge those portions of the final initial and recommended determinations which contain bracketed confidential business information to be deleted from any public version of said determinations, no later than May 13, 2011. Any such bracketed version shall not be served via facsimile on the administrative law judge. If no such bracketed version is received from a party, it will mean that the party has no objection to removing the confidential status, in its entirety, from these initial and recommended determinations.

3. The initial determination portion of the Final Initial and Recommended Determinations, issued pursuant to Commission rules 210.42(a) and 210.42-46, shall become the determination of the Commission, unless the Commission, shall have ordered its review of certain issues therein or by order has changed the effective date of the initial determination portion. The recommended determination portion, issued pursuant to Commission

rule 210.42(a)(1)(ii), will be considered by the Commission in reaching a determination on remedy pursuant to Commission rule 210.50(a).

A handwritten signature in cursive script, reading "Paul J. Luckern". The signature is written in black ink and is positioned above a horizontal line.

Paul J. Luckern  
Chief Administrative Law Judge

Issued: April 29, 2011 .