

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN WIRELESS
COMMUNICATION DEVICES,
PORTABLE MUSIC AND DATA
PROCESSING DEVICES, COMPUTERS
AND COMPONENTS THEREOF**

Investigation No. 337-TA-745

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION IN PART AS TO
U.S. PATENT NO. 5,359,317**

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. 29) granting complainant's motion for partial termination of the investigation as to U.S. Patent No. 5,359,317 in Inv. No. 337-TA-745, *Certain Wireless Communication Devices, Portable Music and Data Processing Devices, Computers and Components Thereof*.

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) 205-1999. 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 November 8, 2010, based on a complaint filed by Motorola Mobility, Inc. of Libertyville, Illinois ("Motorola"). 75 *Fed. Reg.* 68619-20 (Nov. 8, 2010). The complaint 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 wireless communication devices, portable music and data processing devices, computers

and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 6,272,333; 6,246,862; 6,246,697; 5,359,317 (“the ‘317 patent”); 5,636,223; and 7,751,826. The complaint further alleges the existence of a domestic industry. The Commission’s notice of investigation named Apple Inc. of Cupertino, California as respondent. The Commission later determined to partially terminate the investigation as to claim 1 of the ‘317 patent. Notice (June 28, 2011).

On November 22, 2011, Motorola filed an unopposed motion to partially terminate the investigation by withdrawing allegations relating to the remaining asserted claims of the ‘317 patent.

On November 29, 2011, the ALJ issued the subject ID, granting Motorola’s motion to partially terminate the investigation as to the ‘317 patent pursuant to Commission Rule 210.21(a)(1) (19 C.F.R. § 210.21(a)(1)). 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/
James R. Holbein
Secretary to the Commission

Issued: December 15, 2011