

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

**In the Matter of**

**CERTAIN ELECTRONIC DEVICES WITH  
COMMUNICATION CAPABILITIES,  
COMPONENTS THEREOF, AND RELATED  
SOFTWARE**

**Investigation No. 337-TA-808**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW  
AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION;  
TERMINATION OF INVESTIGATION**

**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. 26) terminating the investigation based upon a settlement agreement.

**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 September 30, 2011, based on a complaint filed by HTC Corp. on August 16, 2011, alleging 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 electronic devices with communication capabilities, components thereof, and related software by reason of infringement of three patents. *76 Fed. Reg.* 60870 (Sept. 30, 2011). The Notice of Investigation named Apple Inc. as the respondent. *Id.*

On November 11, 2012, Apple and HTC entered into a Patent License and Settlement Agreement. On November 19, 2012, they filed a joint motion to terminate the investigation based upon the settlement agreement. On November 23, 2013, the Commission investigative attorney (“IA”) opposed the motion based upon redactions of the settlement agreement appended to the motion. On December 7, 2012, Apple and HTC filed a supplement to their motion that included a less-redacted public version of the settlement agreement and an unredacted confidential version. The IA filed a response in support of the supplemented motion, and on December 14, 2012, the ALJ issued an ID granting the motion. Order No. 26. The ALJ found that termination would be in the public interest. *Id.* at 2-3.

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 210.42-46 of the Commission’s Rules of Practice and Procedure (19 C.F.R. §§ 210.21, 210.42-46).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton  
Acting Secretary to the Commission

Issued: January 14, 2013