

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

In the Matter of

**CERTAIN ELECTRONIC DEVICES,
INCLUDING HANDHELD WIRELESS
COMMUNICATIONS DEVICES**

Investigation No. 337-TA-667
Investigation No. 337-TA-673

**NOTICE OF COMMISSION DETERMINATION GRANTING A REQUEST
BY THE ADMINISTRATIVE LAW JUDGE FOR JUDICIAL ENFORCEMENT
OF A SUBPOENA**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to grant the request of the presiding administrative law judge (ALJ) seeking judicial enforcement of a subpoena in the above-captioned investigations. The Commission has determined to authorize its Office of the General Counsel to seek judicial enforcement of the subpoena as indicated in ALJ Order No. 26C.

FOR FURTHER INFORMATION: David Goldfine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-708-5452. Copies of Order No. 26C and all other nonconfidential 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. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<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>.

SUPPLEMENTARY INFORMATION: The Commission instituted Inv. No. 337-TA-667 (“the 667 Investigation”) on January 23, 2009, based on a complaint filed by Saxon Innovation, LLC of Tyler, Texas (“Saxon”). 74 Fed. Reg. 4231. 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 electronic devices, including handheld wireless communications devices, by reason of infringement of certain claims of U.S. Patent Nos. 5,235,635 (“the ‘635 patent’”); 5,530,597 (“the ‘597 patent’”); and 5,608,873 (“the ‘873 patent’”). The complaint further alleges the existence of a domestic industry related to each patent. The

Commission's notice of investigation named various respondents, including Nokia Corporation of Espoo, Finland and Nokia Inc. of Irving, Texas ("Nokia"); High Tech Computer Corp. of Taoyuan, Taiwan and HTC America, Inc. of Bellevue, Washington (collectively "HTC"); AVC Networks Company of Osaka, Japan ("AVC"); and Panasonic Corporation of Osaka, Japan ("Panasonic").

The Commission instituted Inv. No. 337-TA-673 ("the 673 Investigation") on March 31, 2009, based on a complaint filed by Saxon. 74 Fed. Reg. 14578-9. 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 electronic devices, including handheld wireless communications devices by reason of infringement of certain claims of the '635 patent, the '597 patent, and the '873 patent. The complaint further alleges the existence of a domestic industry related to each patent. The Commission's notice of investigation named as respondents Samsung Electronics Co., Ltd. of Seoul, Korea; Samsung Electronics America, Inc. of Ridgefield Park, New Jersey; and Samsung Telecommunications America, LLP of Richardson, Texas (collectively "Samsung").

On April 23, 2008, the ALJ issued Order No. 28 in the 667 investigation and Order No. 8 in the 673 investigation, consolidating the investigations into a single action.

On July 17, 2009, Samsung moved for an order certifying a request to the Commission for judicial enforcement of a subpoena issued on May 19, 2009 and directed to non-party Foley & Lardner LLP ("Foley LLP"). On July 29, 2009, Foley LLP filed a response opposing the motion. On August 3, 2009, Samsung filed a motion for leave to file a reply in support of its motion.

The ALJ granted Samsung's motion on August 5, 2009, and certified his request for judicial enforcement of the subpoena in the subject order. The ALJ also granted Samsung's motion for leave.

The Commission has determined to grant the ALJ's request. Accordingly, the Commission has determined to authorize its Office of the General Counsel to seek judicial enforcement of the subpoena against Foley LLP, as requested by the ALJ.

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 Commission Rule of Practice and Procedure 210.32(g), 19 C.F.R. § 210.32(g).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: August 28, 2009