

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN ELECTRONIC DEVICES,
INCLUDING MOBILE PHONES AND
TABLET COMPUTERS, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-847

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO U.S. PATENT NO.
7,366,529 PURSUANT TO 19 C.F.R. §§ 210.21(a)(2) AND 210.21(d)**

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 an initial determination (“ID”) (Order No. 7) of the presiding administrative law judge (“ALJ”) terminating the above-captioned investigation as to U.S. Patent No. 7,366,529 (“the ’529 patent”) based on an arbitration agreement pursuant to 19 C.F.R. §§ 210.21(a)(2) and 210.21(d).

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2310. 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 June 8, 2012, based on a complaint filed on behalf of, Nokia Inc. and Intellisync Corporation, both of Sunnyvale, California, and Nokia Corporation of Espoo, Finland (collectively, “Nokia”). *77 Fed. Reg.* 34063-64. The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based upon the importation in the United States, the sale for importation, and the sale within the United States after importation of certain electronic devices, including mobile phones and tablet computers, and components thereof by reason of infringement of certain claims of the ’529 patent and U.S. Patent Nos. 5,570,369; 5,884,190; 6,141,664; 6,393,260; 6,728,530; 7,106,293; 7,209,911; and 7,415,247. The complaint further alleges the

existence of a domestic industry. The Commission's notice of investigation named HTC Corporation of Taoyuan City, Taiwan; HTC America, Inc. of Bellevue, Washington; and Exedea, Inc. of Houston, Texas (collectively, "HTC") as respondents. The Office of Unfair Import Investigations is not participating in this investigation.

On September 26, 2012, HTC moved to terminate the investigation as to the '529 patent based on an arbitration agreement pursuant to 19 C.F.R. §§ 210.21(a)(2) and 210.21(d). Nokia opposed the motion.

On February 7, 2013, the ALJ issued the subject ID (Order No. 7) granting the motion for termination as to the '529 patent. He found that the motion satisfies Commission rules 210.21(a)(2) and 210.21(d) because HTC established that Nokia and HTC have a license arguably relevant to the '529 patent that requires any controversy arising thereunder to be resolved by arbitration. Nokia petitioned for review of the ID on February 15, 2013, and HTC submitted a response in opposition on February 25, 2013.

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(h) of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.21, 210.42(h)).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Acting Secretary to the Commission

Issued: March 11, 2013