

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

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

Investigation No. 337-TA-1039

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW AN INITIAL
DETERMINATION GRANTING A JOINT MOTION TO TERMINATE THE
INVESTIGATION BASED ON A SETTLEMENT AGREEMENT;
REMAND OF THE INVESTIGATION TO THE ADMINISTRATIVE LAW JUDGE**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review an initial determination (“ID”) (Order No. 27) of the presiding administrative law judge (“ALJ”) granting a joint motion to terminate the investigation based on a Settlement Agreement and Related Agreements. The Commission has also determined to remand the investigation to the ALJ to require the parties to file a revised public version of the agreements in compliance with Commission Rules 210.21(b)(1) and 201.6, and to issue a public version of the subject ID certifying the revised public version of the agreements to the Commission.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2392. 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 SW, Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://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 January 27, 2017, based on a complaint filed on behalf of Nokia Technologies Oy (“Nokia”) of Espoo, Finland. 82 FR 8626 (Jan. 27, 2017). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by reason of infringement of certain claims

of U.S. Patent Nos.: 7,415,247; 9,270,301; 6,393,260; and 6,826,391. The complaint further alleges that a domestic industry exists. The Commission's notice of investigation named as respondent Apple Inc., a/k/a Apple Computer, Inc. of Cupertino, California. The Office of Unfair Import Investigations (OUII) is also participating in the investigation. This investigation was severed from Inv. No. 337-TA-1038. *See* Inv. No. 337-TA-1038, Order No. 1 (Jan. 26, 2017).

On June 9, 2017, Nokia and Apple filed a joint motion to terminate the investigation based on a Settlement Agreement and Related Agreements. OUII filed a response indicating that it does not oppose the motion once Nokia and Apple file a revised public version of the motion and accompanying agreements. On June 21, 2017, the ALJ ordered the parties to file a revised public version of all of the agreements. *See* Order No. 26 (June 21, 2017). That same day, the ALJ issued the subject ID (Order No. 27) granting the motion and certifying the confidential version of the agreements to the Commission. Nokia and Apple jointly submitted revised public versions of the agreements on June 30, 2017, and July 7, 2017. No petition for review of the subject ID was filed.

The Commission has determined to review the subject ID because the revised public version of the Settlement Agreement and Related Agreements filed on July 7, 2017, does not comply with Commission Rules 210.21(b)(1) and 201.6. The July 7th submission contains redactions of information that do not qualify as confidential business information under Commission Rule 201.6, including the redaction of information that was not redacted in the original public version of the agreements submitted on June 9, 2017. Accordingly, the Commission has determined to remand the investigation to the ALJ to require the parties to file a revised public version of the agreements that comply with Commission Rules 210.21(b)(1) and 201.6, and to issue a public version of the subject ID certifying the revised public version of the agreements to the Commission.

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 part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: July 19, 2017