

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

**In the Matter of**

**CERTAIN MOBILE  
COMMUNICATIONS AND COMPUTER  
DEVICES AND COMPONENTS  
THEREOF**

**Inv. No. 337-TA-704**

**NOTICE OF INVESTIGATION**

AGENCY: U.S. International Trade Commission

ACTION: Institution of investigation pursuant to 19 U.S.C. § 1337

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 15, 2010, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Apple Inc., f/k/a Apple Computer, Inc. of Cupertino, California. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile communications and computer devices and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 5,379,431; 5,455,599; 5,519,867; 5,915,131; 5,920,726; 5,969,705; 6,343,263; 6,424,354; and RE 39,486. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 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>.

FOR FURTHER INFORMATION CONTACT: Daniel L. Girdwood, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 708-4708.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2009).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on February 17, 2010, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain mobile communications or computer devices or components thereof that infringe one or more of claims 1, 2, 4, 5, 11-15, and 27-31 of U.S. Patent No. 5,379,431; claims 1-3, 6-10, 12, and 14 of U.S. Patent No. 5,455,599; claims 1-3, 7, 12, 32, and 48 of U.S. Patent No. 5,519,867; claims 1, 3, 4, 6, 7, 9, 10, 15, and 17 of U.S. Patent No. 5,915,131; claim 1 of U.S. Patent No. 5,920,726; claim 1 of U.S. Patent No. 5,969,705; claims 1-6, 24, 25, 29, and 30 of U.S. Patent No. 6,343,263; claims 1-4, 7, 8, 41, and 42 of U.S. Patent No. 6,424,354; and claims 1, 2, 6, 8-10, 12-15, and 20 of U.S. Patent No. RE 39,486, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Apple Inc., f/k/a Apple Computer, Inc.  
1 Infinite Loop  
Cupertino, CA 95014

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Nokia Corporation  
Keilalahdentie 4, Espoo  
Finland

Nokia Inc.  
102 Corporate Park Drive  
White Plains, NY 10604

(c) The Commission investigative attorney, party to this investigation, is Daniel

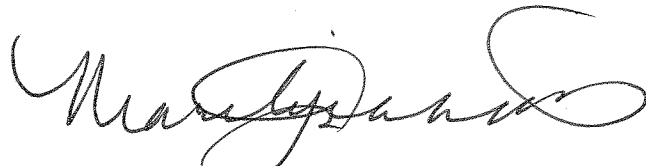
L. Girdwood, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.



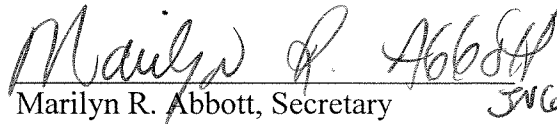
Marilyn R. Abbott  
Secretary to the Commission

Issued: February 18, 2010

**CERTAIN MOBILE COMMUNICATIONS AND COMPUTER DEVICES AND COMPONENTS THEREOF 337-TA-704**

**CERTIFICATE OF SERVICE**

I, Marilyn R. Abbott, hereby certify that the attached **NOTICE OF INVESTIGATION** has been served by hand upon the Commission Investigative Attorney, Daniel L. Girdwood, Esq., and the following parties as indicated, on FEB 19 2010.

  
Marilyn R. Abbott, Secretary  
U.S. International Trade Commission  
500 E Street, SW  
Washington, DC 20436

**Complainant:**

Apple, Inc., f/k/a Apple Computer, Inc.  
1 Infinite Loop  
Cupertino, CA 95014

- Via Hand Delivery  
 Via Overnight Mail  
 Via First Class Mail  
 Other: \_\_\_\_\_

**On Behalf of Complainants:**

Robert G. Krupka, P.C.  
**KIRKLAND & ELLIS LLP**  
777 South Figueroa Street  
Los Angeles, CA 90017

- Via Hand Delivery  
 Via Overnight Mail  
 Via First Class Mail  
 Other: \_\_\_\_\_

**Respondents:**

Nokia Corporation  
Keilalahdentie 4, Espoo  
Finland

- Via Hand Delivery  
 Via Overnight Mail  
 Via First Class Mail  
 INTERNATIONAL

Nokia Inc.  
102 Corporate Park Drive  
White Plains, NY 10604

- Via Hand Delivery  
 Via Overnight Mail  
 Via First Class Mail  
 Other: \_\_\_\_\_

**Embassies:**

Embassy of Finland  
3301 Massachusetts Avenue, NW  
Washington, DC 20008

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: \_\_\_\_\_

**Government Agencies:**

Edward T. Hand, Chief  
Foreign Commerce Section  
Antitrust Division  
U.S. Department of Justice  
450 5<sup>th</sup> Street NW, Room 11000  
Washington, DC 20530

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: \_\_\_\_\_

U.S. Bureau of Customs and Border Protection  
Intellectual Property Rights Branch  
Mint Annex Building  
799 9<sup>th</sup> Street, NW, 7<sup>th</sup> floor  
Washington, DC 20229-1177

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: \_\_\_\_\_

Elizabeth Kraus, Deputy Director  
International Antitrust, Office of  
International Affairs  
Federal Trade Commission  
600 Pennsylvania Avenue, Room 498  
Washington, DC 20580

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: \_\_\_\_\_

Richard Lambert, Esq.  
Office of Technology Development Services  
Dept. of Health & Human Services  
National Institutes of Health  
6610 Rockledge Drive, Room 2800  
Bethesda, MD 20892

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: \_\_\_\_\_



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 19, 2010

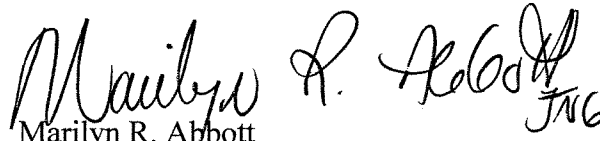
Apple Inc., f/k/a Apple Computer, Inc.  
1 Infinite Loop  
Cupertino, CA 95014

**Re: Certain Mobile Communications and Computer Devices and  
Components Thereof.  
Inv. No. 337-TA-704**

Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Commission's Notice of Investigation is enclosed.

Sincerely,

  
Marilyn R. Abbott  
Secretary

Enclosure:

1. Notice of Investigation



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UNITED STATES INTERNATIONAL TRADE COMMISSION

---

WASHINGTON, DC 20436

February 19, 2010

Robert G. Krupka, P.C.  
Kirkland & Ellis LLP  
777 South Figueroa Sreet  
Los Angeles, California 90017

**Re: Certain Mobile Communications and Computer Devices and  
Components Thereof.  
Inv. No. 337-TA-704**

Dear Mr. Krupka:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Commission's Notice of Investigation is enclosed.

Sincerely,

A handwritten signature in cursive script that reads "Marilyn R. Abbott". To the right of the signature, the initials "JMG" are written in a smaller, blocky font.

Marilyn R. Abbott  
Secretary

Enclosure:

1. Notice of Investigation



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 19, 2010

Embassy of Finland  
3301 Massachusetts Ave., NW  
Washington, DC 20008

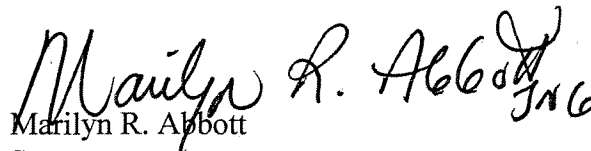
**Re: Certain Mobile Communications and Computer Devices and  
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Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). One or more of the parties named in the investigation is located in **Finland**.

Pursuant to Commission Rule 210.11(a)(3), we are hereby serving you with a copy of the Complaint filed in this investigation together with a copy of the Commission's Notice of Investigation.

Sincerely,

  
Marilyn R. Abbott  
Secretary

Enclosure:

1. Complaint
2. Notice of Investigation



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UNITED STATES INTERNATIONAL TRADE COMMISSION

---

WASHINGTON, DC 20436

February 19, 2010

Nokia Inc.  
102 Corporation Park Drive  
White Plains, NY 10604

**Re: Certain Mobile Communications and Computer Devices and  
Components Thereof.  
Inv. No. 337-TA-704**

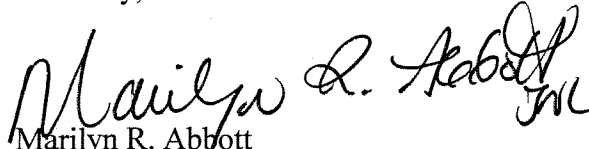
Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation pursuant to Section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). **Nokia Inc.** is a named respondent in this investigation.

We are hereby serving you with a copy of the Complaint and the Notice of Investigation issued in this matter. Enclosed is a copy of the Code of Federal Regulations.

Please note that the Notice requires a response to the allegations in the Complaint and the response must be received not later than twenty (20) days after the date of service of the Complaint. Failure to file a response may result in inferences being drawn against your interests.

Sincerely,

  
Marilyn R. Abbott  
Secretary

Enclosure:

1. Complaint
2. Notice of Investigation
3. Code of Federal Regulations



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 19, 2010

Nokia Corporation  
Keilalahdentie 4, Espoo  
Finland

**Re: Certain Mobile Communications and Computer Devices and  
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Inv. No. 337-TA-704**

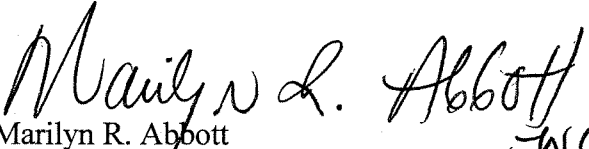
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Sincerely,

  
Marilyn R. Abbott  
Secretary *JWC*

Enclosure:

1. Complaint
2. Notice of Investigation
3. Code of Federal Regulations



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 19, 2010

Elizabeth Kraus, Deputy Director  
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Federal Trade Commission  
600 Pennsylvania Avenue, Room 498  
Washington, DC 20580

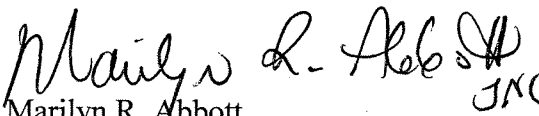
**Re: Certain Mobile Communications and Computer Devices and  
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Inv. No. 337-TA-704**

Dear Ms. Kraus:

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If you have any questions concerning this investigation, please contact the Commission Investigative Attorney whose name and telephone number appear in the enclosed Notice.

Sincerely,

  
Marilyn R. Abbott  
Secretary

Enclosure:

1. Notice of Investigation



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 19, 2010

U.S. Bureau of Customs and Border Protection  
Intellectual Property Rights Branch  
Mint Annex Building  
799 9<sup>th</sup> Street, NW – 7<sup>th</sup> Floor  
Washington, DC 20229-1177

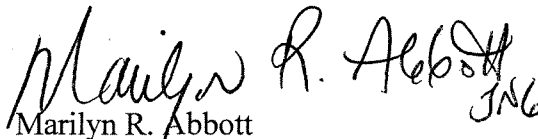
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Sincerely,

  
Marilyn R. Abbott  
Secretary

Enclosure:

1. Notice of Investigation



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 19, 2010

Edward T. Hand, Chief  
Foreign Commerce Section  
Antitrust Division  
U.S. Department of Justice  
450 5<sup>th</sup> Street, NW – Room 11000  
Washington, DC 20530

**Re: Certain Mobile Communications and Computer Devices and  
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Inv. No. 337-TA-704**

Dear Mr. Hand:

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If you have any questions concerning this investigation, please contact the Commission Investigative Attorney whose name and telephone number appear in the enclosed Notice.

Sincerely,

A handwritten signature in black ink that reads "Marilyn R. Abbott" with a stylized flourish at the end.

Marilyn R. Abbott  
Secretary

Enclosure:

1. Notice of Investigation



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

February 19, 2010

Richard Lambert  
Office of Technology Development Services  
Department of Health & Human Services  
National Institute of Health  
6610 Rockledge Drive, Room 2800, MSC 6606  
Bethesda, MD 20892

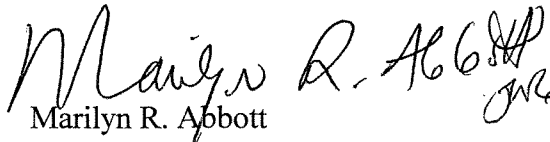
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Components Thereof.  
Inv. No. 337-TA-704**

Dear Mr. Lambert:

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If you have any questions concerning this investigation, please contact the Commission Investigative Attorney whose name and telephone number appear in the enclosed Notice.

Sincerely,

  
Marilyn R. Abbott  
Secretary

Enclosure:

1. Notice of Investigation