

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN ELECTRONIC DEVICES,
INCLUDING HANDHELD WIRELESS
COMMUNICATIONS DEVICES

Inv. Nos. 337-TA-673
337-TA-667

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ORDER NO. 35C: INITIAL DETERMINATION GRANTING COMPLAINANT SAXON INNOVATIONS, LLC'S UNOPPOSED MOTION FOR PARTIAL TERMINATION OF THE INVESTIGATION AS TO ALL ALLEGATIONS RELATING TO CLAIM 11 OF THE '597 PATENT

(September 3, 2009)

On September 2, 2009, complainant Saxon Innovations, LLC ("Saxon") filed a motion to partially terminate the consolidated investigation by withdrawing all allegations relating to claim 11 of U.S. Patent No. 5,530,597 ("the '597 patent"). (Motion Docket No. 673-037.) Saxon states that respondents Palm, Inc., Research In Motion Ltd., Research In Motion Corp., Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America and the Commission Investigative Staff do not oppose the motion.

Saxon seeks to withdraw all allegations relating to claim 11 of the '597 patent. Saxon states that withdrawal of its allegations relating to claim 11 will narrow the issues for trial and will have no impact on any pending motions.

Commission Rule 210.21(a)(1) states, *inter alia*:

Any party may move at any time prior to the issuance of an initial determination on violation of section 337 of the Tariff Act of 1930 for an order to terminate an investigation in whole or in part as to any or all respondents, on the basis of withdrawal of the complaint or certain allegations contained therein...A motion for termination of an investigation based on withdrawal of the complaint shall contain a statement that there are no agreements, written or oral, express or

implied between the parties concerning the subject matter of the investigation, or if there are any agreements concerning the subject matter of the investigation, all such agreements shall be identified, and if written, a copy shall be filed with the Commission along with the motion.

Pursuant to Commission Rule 210.21(a)(1), Saxon states that “there are no agreements, written or oral, express or implied between Saxon and the Respondents or any other party concerning the subject matter of the investigation.” (Mem. at 5.) Saxon argues that Commission policy, public interest, and administrative economy favor partial termination of the investigation. (*See generally id.*)


The Commission has held that “in the absence of extraordinary circumstances, termination of an investigation will be readily granted to a complainant during the prehearing stage of an investigation.” *Certain Ultrafiltration Membrane Systems, & Components Thereof, Including Ultrafiltration Membranes*, Inv. No. 337-TA-107, Commission Action & Order at 2 (Mar. 11, 1982). I find no extraordinary circumstance that prevents the partial termination of this investigation. Further, I concur with Saxon that the partial termination of investigation is in the public interest, as public and private resources will be conserved. *Certain Power Supplies*, Inv. No. 337-TA-646, Order No. 18 (Jan. 5, 2009).

Accordingly, it is my Initial Determination that Saxon’s unopposed motion to partially terminate this investigation is hereby GRANTED. Claim 11 of U.S. Patent No. 5,530,597 is hereby withdrawn from the investigation. This Initial Determination, along with supporting documentation, is hereby certified to the Commission.

Pursuant to 19 C.F.R. § 210.42(h), this Initial Determination shall become the determination of the Commission unless a party files a petition for review of the Initial

Determination pursuant to 19 C.F.R. § 210.43(a), or the Commission, pursuant to 19 C.F.R. § 210.44, orders, on its own motion, a review of the Initial Determination or certain issues herein.

SO ORDERED.



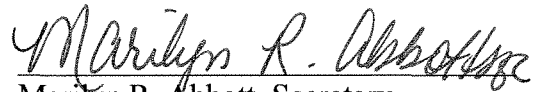
Robert K. Rogers, Jr.
Administrative Law Judge

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PUBLIC CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **ORDER** was served upon **Lisa A. Murray, Esq.**, Commission Investigative Attorney, and the following parties via first class mail and air mail where necessary on **SEP 03 2009**



Marilyn R. Abbott, Secretary
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PUBLIC CERTIFICATE OF SERVICE - PAGE 3

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