

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN MOBILE COMMUNICATIONS  
AND COMPUTER DEVICES AND  
COMPONENTS THEREOF

Inv. No. 337-TA-704

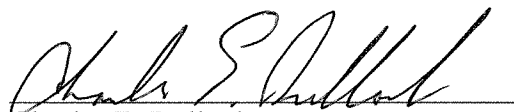
**ORDER NO. 35: DENYING COMPLAINANT APPLE INC.'S MOTION FOR  
SUMMARY DETERMINATION THAT NOKIA IS NOT LICENSED TO PRACTICE  
THE '354, '599, OR '431 PATENTS**

(August 26, 2010)

On August 5, 2010, Complainant Apple Inc. ("Apple") moved (704-043) for summary determination that Respondents Nokia Corporation and Nokia, Inc. (collectively, "Nokia") are not licensed to practice U.S. Patent Nos. 5,379,431, 5,455,599, or 6,424,354. Nokia opposed Apple's motion on August 16, 2010. The Commission Investigative Staff ("Staff") also filed its response on August 16, 2010. Staff believes Apple's motion should be denied because at the time of filing, Nokia's licensing defense was not within the scope of the Investigation and "thus not properly the subject of a summary determination motion." (Staff Resp. at 1.)

Having reviewed and considered Apple's motion (and the responses thereto) and finding that genuine issues of material fact may remain, the undersigned has determined that good cause does not exist to grant the motion in lieu of a trial of all issues on the merits. Accordingly, the motion (704-043) is hereby denied.

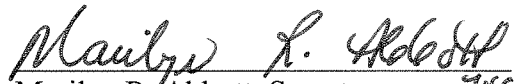
**SO ORDERED.**

  
Charles E. Bullock  
Administrative Law Judge

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CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **ORDER NO. 35** has been served upon, **Daniel L. Girdwood, Esq.**, Commission Investigative Attorney, and the following parties via first class mail and air mail where necessary on August 26, **2010**.

  
Marilyn R. Abbott, Secretary *MC*  
U.S. International Trade Commission  
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Washington, DC 20436

**FOR COMPLAINANT APPLE INC., f/k/a APPLE COMPUTER, INC.:**

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