

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

Before the Honorable Thomas B. Pender
Administrative Law Judge

In the Matter of

CERTAIN ELECTRONIC DEVICES WITH
COMMUNICATION CAPABILITIES,
COMPONENTS THEREOF, AND
RELATED SOFTWARE

Investigation No. 337-TA-808

**COMPLAINANT HTC CORP.'S UNOPPOSED MOTION FOR PARTIAL
TERMINATION OF THE INVESTIGATION AS TO U.S. PATENT NO. 7,756,414**

Complainant HTC Corp. ("HTC") hereby moves to terminate the investigation in part as to U.S. Patent No. 7,756,414 ("the '414 Patent") by withdrawing its infringement allegations against Respondent Apple Inc. ("Apple") with respect to all asserted claims of the '414 Patent.

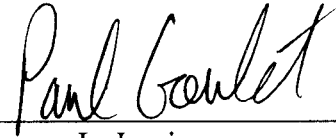
Permitting withdrawal of the allegations with respect to the '414 Patent will simplify the Investigation and conserve judicial resources. A memorandum in support of this motion is attached hereto.

HTC has consulted with counsel for Apple.¹ Counsel for Apple indicated that Apple would not oppose this motion.

¹ The Commission Investigative Staff is not participating in this Investigation with respect to the '414 Patent.

Dated: July 30, 2012

Respectfully submitted,



Thomas L. Jarvis

Thomas W. Winland

John R. Alison

Houtan K. Esfahani

Paul C. Goulet

**FINNEGAN, HENDERSON,
FARABOW, GARRETT &
DUNNER, LLP**

901 New York Avenue, N.W.

Washington, D.C. 20001-4413

Telephone: (202) 408-4000

Facsimile: (202) 408-4400

Counsel for Complainant HTC Corp.

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

Before the Honorable Thomas B. Pender
Administrative Law Judge

In the Matter of

CERTAIN ELECTRONIC DEVICES WITH
COMMUNICATION CAPABILITIES,
COMPONENTS THEREOF, AND
RELATED SOFTWARE

Investigation No. 337-TA-808

COMPLAINANT HTC CORP.'S MEMORANDUM IN SUPPORT OF ITS
UNOPPOSED MOTION FOR PARTIAL TERMINATION OF THE
INVESTIGATION AS TO U.S. PATENT NO. 7,756,414

Complainant HTC Corp. ("HTC") moves to terminate the investigation as to all asserted claims of U.S. Patent No. 7,756,414 ("the '414 Patent), specifically claims 1, 4-13, and 15-21 of the '414 Patent.

Commission Rule 210.21(a)(1) provides that "[a]ny 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, or for good cause other than the grounds listed in paragraph (a)(2) of this section. The presiding administrative law judge may grant the motion in an initial determination upon such terms and conditions as he deems proper."

Specifically, HTC no longer asserts infringement by Respondent Apple Inc. of the '414 Patent. Accordingly, HTC now moves under 19 C.F.R. § 210.21(a) to terminate the investigation by withdrawing its allegations as to this patent. *See, e.g., Certain Liquid Crystal Display Devices, Including Monitors, Televisions, and Modules, and Components Thereof, Inv.*

No. 337-TA-749, Inv. No. 337-TA-741, Order No. 31C (July 9, 2012) (initial determination granting motion to terminate investigation with respect to one asserted patent); *Certain Light-Emitting Diodes and Products Containing Same*, Inv. No. 337-TA-785, Order No. 32 (June 4, 2012) (initial determination granting complainant's motion to terminate certain asserted patents); *Certain Wireless Communication Devices, Portable Music and Data Processing Devices, Computers and Components Thereof*, Inv. No. 337-TA-745, Order No. 33 (January 9, 2012) (initial determination granting complainant's motion to terminate one asserted patent); *see also* *Certain Muzzle-Loading Firearms and Components Thereof*, Inv. No. 337-TA-777, Order No. 7 (July 8, 2011); *Certain Flash Memory Chips and Products Containing Same*, Inv. No. 337-TA-664, Order No. 54 (April 7, 2010); *Certain Prepregs, Laminates, and Finished Circuit Boards*, Inv. No. 337-TA-659, Order No. 7 (February 18, 2009); *Certain Wireless Communication Devices, Components Thereof, and Products Containing the Same*, Inv. No. 337-TA-583, Order No. 30 (May 1, 2007); *Certain Flooring Products*, Inv. No. 337-TA-443, Order No. 30 (October 19, 2001); *Certain Integrated Circuit Chipsets and Products Containing Same*, Inv. No. 337-TA-428, Order No. 14 (June 27, 2000); *Certain Rare-Earth Magnets and Magnetic Materials and Articles Containing the Same*, Inv. No. 337-TA-413, Order No. 59 (August 24, 1999).

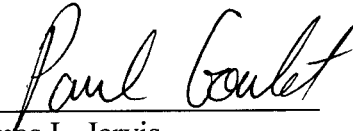
Withdrawal of the allegations relating to the '414 Patent will simplify the Investigation,² streamline the hearing, and conserve the Judge's consideration of the evidence to be presented at the hearing.

Accordingly, HTC has demonstrated good cause for the requested partial termination of this Investigation, and HTC's motion should be granted.

² HTC maintains its allegations with respect to U.S. Patent Nos. 7,417,944 and 7,672,219.

Dated: July 30, 2012

Respectfully submitted,



Thomas L. Jarvis

Thomas W. Winland

John R. Alison

Houtan K. Esfahani

Paul C. Goulet

**FINNEGAN, HENDERSON,
FARABOW, GARRETT &
DUNNER, LLP**

901 New York Avenue, N.W.

Washington, D.C. 20001-4413

Telephone: (202) 408-4000

Facsimile: (202) 408-4400

Counsel for Complainant HTC Corp.

**Certain Electronic Devices With Communication
Capabilities, Components Thereof, And Related Software**

Inv. 337-TA-808

CERTIFICATE OF SERVICE

I, Jon Schwartz, hereby certify that on July 30, 2012, copies of the foregoing documents were filed and served upon the following parties as indicated:

The Honorable Lisa R. Barton
Acting Secretary, Office of the Secretary
U.S. INTERNATIONAL TRADE COMMISSION
500 E Street, S.W., Room 112-F
Washington, DC 20436

- Via First Class Mail
- Via Hand Delivery
- Via Overnight Courier
- Via Facsimile
- Via Electronic Filing

The Honorable Thomas B. Pender
Administrative Law Judge
U.S. International Trade Commission
500 E Street, S.W.
Washington, D.C. 20436
Rebecca.Barbisch@usitc.gov
(2 copies)

- Via First Class Mail
- Via Hand Delivery
- Via Overnight Courier
- Via Facsimile
- Via Electronic Mail

R. Whitney Winston, Esq.
Office of Unfair Import Investigations
U.S. International Trade Commission
500 E Street, S.W., 401
Washington, D.C. 20436
Whitney.Winston@usitc.gov

- Via First Class Mail
- Via Hand Delivery
- Via Overnight Courier
- Via Facsimile
- Via Electronic Mail

Counsel for Respondent Apple, Inc.:

Michael J. McKeon
Joseph V. Colaianni
Ralph A. Phillips
Steven A. Bowers
Rudhir Patel
FISH & RICHARDSON P.C.
1425 K Street, N.W., 11th Floor
Washington, D.C. 20005
Telephone: (202) 783-5070
Facsimile: (202) 783-2331
Apple808Service@fr.com

- Via First Class Mail
- Via Hand Delivery
- Via Overnight Courier
- Via Facsimile
- Via Electronic mail

Counsel for Respondent Apple, Inc.:

V. James Adduci, II
Andrew F. Pratt
Daniel F. Smith
ADDUCI, MASTRIANI & SCHAUMBERG,
L.L.P.
1133 Connecticut Avenue, 12th Floor
Washington, DC 20036
Telephone: 202.467.6300
APPLE-808@adduci.com

- Via First Class Mail
- Via Hand Delivery
- Via Overnight Courier
- Via Facsimile
- Via Electronic mail



Jon Schwartz, Litigation Clerk
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.
901 New York Avenue, N.W.
Washington, D.C. 20001
(202) 408-4000 (Telephone)
(202) 408-4400 (Facsimile)