

PUBLIC VERSION

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

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

Inv. No. 337-TA-1038

**ORDER NO. 26: INITIAL DETERMINATION GRANTING JOINT MOTION TO  
TERMINATE THE INVESTIGATION BASED ON SETTLEMENT  
AGREEMENT**

(August 8, 2017)

On June 7, 2017, Complainant Nokia Technologies Oy (“Nokia”) and Respondent Apple Inc. (“Apple”) filed a joint motion (1038-023) to terminate the Investigation based on a settlement agreement and related agreements.<sup>1</sup> On June 19, 2017, the Commission Investigative Staff (“Staff”) filed its response. Staff does not oppose the joint motion.

The Commission’s Rules provide that “[a]ny party may move at any time for an order to terminate an investigation in whole or in part as to any or all respondents on the basis of settlement, a licensing or other agreement . . . .” 19 C.F.R. § 210.21(a)(2); *see also Certain Organizer Racks and Prods. Containing Same*, Inv. No. 337-TA-466, Order No. 7 at 2 (Feb. 19, 2001). In the instant proceeding, the motion to terminate is based upon a Settlement Agreement and related agreements, which appears to resolve the dispute between Nokia and Apple. Copies

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<sup>1</sup> On June 13, 2017, Nokia and Apple were directed to provide a modified version of the public settlement agreement with fewer redactions. (*See* Order No. 23.) On July 7, 2017, pursuant to Order No. 23, they filed a modified public version of the settlement agreement. On July 19, 2017, the Commission determined to review the initial determination granting a joint motion to terminate the investigation based on a Settlement Agreement and related agreements in Inv. No. 337-TA-1039, which included the same agreements at issue in this Investigation. Upon review, the Commission determined that the parties’ July 7th submission did not comply with Commission Rules 210.21(b)(1) and 201.6 and remanded the investigation to ALJ McNamara to require the parties to file a revised public version of the agreements. On July 28, 2017, pursuant to Order No. 29 in Inv. No. 337-TA-1039, Nokia and Apple filed their joint supplemental submission. On August 1, 2017, they filed an updated joint supplemental submission in this Investigation, reflecting the updates submitted in the 1039 Investigation.

of the agreements are attached hereto as Exhibits 1-4. Consistent with 19 C.F.R. § 210.21(b)(1), Nokia and Apple state that “[t]he Settlement and Release Agreement . . . reflect the entire and only agreement between Nokia and Apple regarding the subject matter of this Investigation” and that “there are no other agreements, written or oral, express or implied, between Nokia and Apple regarding the subject matter of this Investigation.” (Mot. at 1-2.)

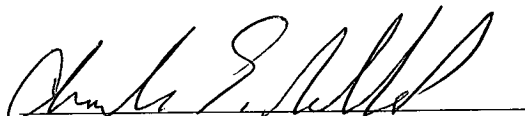
In any initial determination terminating an investigation by settlement agreement or consent order, the administrative law judge is directed to consider and make appropriate findings regarding the effect of the proposed settlement on the public health and welfare, competitive conditions in the United States economy, production of like or directly competitive articles in the United States, and United States consumers. 19 C.F.R. § 210.50(b)(2). Nokia, Apple, and Staff assert that it is in the interest of the public and administrative economy to grant this motion because “Commission policy and the public interest generally favor settlements.” (Mot. at 2; Staff Resp. at 3-4.) The undersigned agrees that termination of this Investigation does not impose any undue burdens on the public health and welfare, competitive conditions in the United States economy, production of like or directly competitive articles in the United States, or United States consumers.

Accordingly, it is the undersigned’s Initial Determination that the joint motion (1038-021) to terminate this Investigation based on a settlement agreement and related agreements be granted. 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.**

A handwritten signature in black ink, appearing to read "Charles E. Bullock", written over a horizontal line.

Charles E. Bullock  
Chief Administrative Law Judge

**CERTAIN ELECTRONIC DEVICES, INCLUDING MOBILE  
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**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **ORDER NO. 26** has been served by hand upon the Commission Investigative Attorney, Sarah Sladic, Esq., and the following parties as indicated, on August 8, 2017.



\_\_\_\_\_  
Lisa R. Barton, Secretary  
U.S. International Trade Commission  
500 E Street, SW, Room 112  
Washington, DC 20436

**On Behalf of Complainant Nokia Technologies Oy:**

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- Via Hand Delivery  
 Via Express Delivery  
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 Other: \_\_\_\_\_

**On Behalf of Respondent Apple Inc., a/k/a Apple Computer, Inc.:**

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