

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

In the Matter of:

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

Investigation No. 337-TA-1039

**ORDER NO. 27: INITIAL DETERMINATION GRANTING JOINT
UNOPPOSED MOTION TO TERMINATE
INVESTIGATION BASED UPON SETTLEMENT
AGREEMENT**

(June 21, 2017)

On June 9, 2017, pursuant to 19 C.F.R. § 210.21(b), Complainant Nokia Technologies Oy (“Nokia”) and Respondent Apple Inc. (“Apple,” and with Nokia, the “Parties”) jointly moved to terminate this Investigation (“Joint Motion”) in view of a Settlement and Release Agreement between Nokia and Apple (“Settlement Agreement”), and three (3) related agreements (“Related Agreements”). (Motion Docket No. 1039-022; Joint Mot. at 1.).

The Parties aver that the Settlement Agreement and the Related Agreements resolve all disputes in this Investigation between Nokia and Apple. (Joint Mot. at 1.). The Parties also state that “[t]here are no other agreements, written or oral, express or implied, between Nokia and Apple regarding the subject matter of this Investigation.” (*Id.* at 2.). In addition, the Parties assert that termination of this Investigation based on the Settlement Agreement and the Related Agreements pose no threat to the public interest. (*Id.*).

The Parties certify pursuant to Ground Rule 2.2 that they notified Commission Investigative Staff (“Staff”) of their Joint Motion. (*Id.*). According to the Parties, Staff does not

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oppose the Joint Motion. (*Id.*).

The Commission's Rules permit termination of an Investigation in whole or in part with respect to one or more respondents on the basis of a settlement. 19 C.F.R. § 210.21(a)(1), (b)(1).

As noted above, the Parties have attached both public and confidential versions of their Settlement Agreement. In the case of a proposed termination by settlement agreement:

the parties may file statements regarding the impact of the proposed termination on the public interest, and the administrative law judge may hear argument, although no discovery may be compelled with respect to issues relating solely to the public interest. Thereafter, the administrative law judge shall consider and make appropriate findings in the initial determination regarding the effect of the proposed settlement on the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers.

19 C.F.R. § 210.50(b)(2).

Since the Parties affirm, and Staff does not oppose, that terminating this Investigation based on the Settlement Agreement and the Related Agreements will not be contrary to the public interest, and I agree, it is my Initial Determination that for good cause shown, and because it is in the public interest that this Investigation be terminated, Motion Docket No. 1039-022 should be *granted*, and that this Investigation should be terminated. I find that movants' request for limited service of the un-redacted Settlement Agreement and the Related Agreements should be *granted*.

This Initial Determination, with confidential copies of the Settlement Agreement and the Related Agreements, is hereby certified to the Commission.¹ Pursuant to 19 C.F.R. § 210.42(h), this Initial Determination shall become the determination of the Commission unless a party files

¹ The Commission's Rules require both confidential and public versions of agreements. *See* 19 C.F.R. § 210.21(b)(1). Copies of the confidential or public versions of the Settlement Agreement and Related Agreements are attached to the respective confidential and public versions of this Initial Determination. Order No. 26, also filed this day, directs the parties to resubmit the public version of the Settlement Agreements with fewer redactions, consistent with Commission Rule 201.6


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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.

Within seven (7) days of the date of this document, each party shall submit to the Office of the Administrative Law Judges a statement as to whether or not it seeks to have any portion of this document deleted from the public version. The parties' submissions must be made by hard copy by the aforementioned date.

Any party seeking to have any portion of this document deleted from the public version thereof must submit to this office a copy of this document with red brackets clearly indicating any portion asserted to contain confidential business information by the aforementioned date. The parties' submission concerning the public version of this document need not be filed with the Commission Secretary.

SO ORDERED.



MaryJoan McNamara
Administrative Law Judge

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PHONES, TABLET COMPUTERS, AND COMPONENTS
THEREOF**

Inv. No. 337-TA-1039

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **INITIAL DETERMINATION** has been served by hand upon the Commission Investigative Attorney, **Peter Sawert, Esq.**, and the following parties as indicated, on **July 21, 2017**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
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On Behalf of Complainant Nokia Technologies Oy:

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

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