

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. 31: DENYING RESPONDENTS' MOTION FOR SUMMARY
DETERMINATION OF INVALIDITY UNDER 35 U.S.C. § 101 AND FOR PARTIAL
TERMINATION OF THE INVESTIGATION WITH REGARD TO
U.S. PATENT NO. 6,424,354**


(August 24, 2010)

On August 5, 2010, Respondents Nokia Corporation and Nokia, Inc. (collectively, "Nokia") filed a motion (704-040) for summary determination that the asserted claims of U.S. Patent No. 6,424,354 (the "'354 patent") are invalid under 35 U.S.C. § 101 and for termination of the Investigation with regard to the '354 patent. On August 16, 2010, Complainant Apple Inc. opposed said motion. The Commission Investigative Staff ("Staff") also filed its response on August 16, 2010, neither supporting nor opposing Nokia's motion. Staff is of the view that "it is unclear at this time whether Nokia is entitled to summary determination as a matter of law on this issue because none of the expert depositions involving the '354 patent have taken place." (Staff Resp. at 1.)

Having reviewed and considered Nokia's motion (and the responses thereto), the undersigned finds that summary determination is not appropriate. Because genuine issues of material fact may remain, good cause does not exist to grant the motion in lieu of a trial of all

issues on the merits. Accordingly, the motion (704-040) 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. 31** 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 25, **2010**.


Marilyn R. Abbott, Secretary *MA*
U.S. International Trade Commission
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