

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

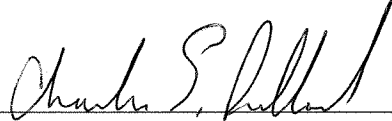
**ORDER NO. 34: DENYING RESPONDENTS' MOTION FOR SUMMARY
DETERMINATION ON APPLE'S FAILURE TO DEMONSTRATE DOMESTIC
INDUSTRY FOR U.S. PATENT NO. 5,920,726 AND FOR PARTIAL TERMINATION
OF INVESTIGATION**

(August 26, 2010)

On August 5, 2010, Respondents Nokia Corporation and Nokia, Inc. (collectively, "Nokia") filed a motion (704-046) for summary determination that Apple cannot as a matter of law demonstrate domestic industry for U.S. Patent No. 5,920,726 (the "'726 patent"). Nokia further moved for partial termination of this Investigation with respect to the '726 patent due to Apple's alleged failure to satisfy the domestic industry requirement. On August 16, 2010, Complainant Apple Inc. filed its opposition to Nokia's motion. The Commission Investigative Staff ("Staff") also filed its response on August 16, 2010. Staff opposes Nokia's motion, viewing said motion as "essentially a premature *motion in limine*." (Staff Resp at 1.)

Having reviewed and considered the parties' respective briefs, the undersigned finds that genuine issues of material fact may remain and thus, good cause does not exist to grant the motion in lieu of a trial of all issues on the merits. Accordingly, the motion (704-046) is hereby denied.

SO ORDERED.



Charles E. Bullock
Administrative Law Judge

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337-TA-704

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