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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner,

v.

ANDREA ELECTRONICS CORPORATION
Patent Owner.

Case No. IPR2017-00626
U.S. Patent 6,363,345

**PUBLIC VERSION OF INITIAL DETERMINATION ON VIOLATION OF
SECTION 337 IN THE MATTER OF *CERTAIN AUDIO PROCESSING
HARDWARE, SOFTWARE, AND PRODUCTS CONTAINING THE SAME*
(INV. NO. 337-TA-1026)**

PUBLIC VERSION

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN AUDIO PROCESSING
HARDWARE, SOFTWARE, AND
PRODUCTS CONTAINING THE SAME

Inv. No. 337-TA-1026

INITIAL DETERMINATION ON VIOLATION OF SECTION 337

Administrative Law Judge Dee Lord

(October 26, 2017)

Appearances:

For Complainant Andrea Electronics Corp.:

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For Respondent Apple, Inc.:

David T. Pritikin, Esq., of Sidley Austin LLP in Chicago, IL; Ching-Lee Fukuda, Esq., and Ketan V. Patel, Esq., of Sidley Austin LLP in New York, NY; Michael R. Franzinger, Esq., Thomas A Broughan, III, Esq., and Lauren C. Cranford, Esq., of Sidley Austin LLP in Washington, DC; Steven S. Baik, Esq. and Nathan A. Greenblatt, Esq., of Sidley Austin LLP in Palo Alto, CA

For the Commission Investigative Staff:

R. Whitney Winston, Esq., and Jeffrey Hsu, Esq., of the Office of Unfair Import Investigations, U.S. International Trade Commission, of Washington, D.C.

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Pursuant to the Notice of Investigation (Oct. 19, 2016) and Commission Rule 210.42, this is the administrative law judge's final initial determination on violation and recommended determination on remedy and bonding in the matter of *Certain Audio Processing Hardware, Software, and Products Containing the Same*, Inv. No. 337-TA-1026. 19 C.F.R. § 210.42(a)(1).

For the reasons discussed herein, it is my final initial determination that there is no violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain audio processing hardware, software, and products containing the same by reason of infringement of U.S. Patent No. 6,363,345 ("the '345 patent").

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The following abbreviations may be used in this Initial Determination:

Tr.	Transcript
WS	Witness Statement
DWS	Direct Witness Statement
RWS	Rebuttal Witness Statement
JX	Joint Exhibit
CX	Complainant's exhibit
CPX	Complainant's physical exhibit
CDX	Complainant's demonstrative exhibit
RX	Respondent's exhibit
RPX	Respondent's physical exhibit
RDX	Respondent's demonstrative exhibit
CPHB	Complainant's pre-hearing brief
CIB	Complainant's initial post-hearing brief
CRB	Complainant's reply post-hearing brief
RPHB	Respondent's pre-hearing brief
RIB	Respondent's corrected initial post-hearing brief ¹
RRB	Respondent's reply post-hearing brief
SPHB	Staff pre-hearing brief
SIB	Staff initial post-hearing brief
SRB	Staff reply post-hearing brief

¹ Apple filed an initial post-hearing brief on September 8, 2017. As originally filed, Apple's initial post-hearing brief included "four references to non-admitted evidence." Letter from M. Franzinger to Secretary Barton (Sept. 14, 2017). On September 14, 2017, Apple filed a corrected version of its post-hearing brief in which the references to non-admitted materials were removed. *Id.* References herein to Apple's initial post-hearing brief are to the corrected version.

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