

EXHIBIT A

PUBLIC VERSION

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

In the Matter of

**CERTAIN PERSONAL DATA AND
MOBILE COMMUNICATIONS DEVICES
AND RELATED SOFTWARE**

Inv. No. 337-TA-710

INITIAL DETERMINATION

Administrative Law Judge Carl C. Charneski

Pursuant to a notice of investigation, 75 Fed. Reg. 17434 (2010), this is the Initial Determination in Investigation No. 337-TA-710. It is held that complainants Apple Inc. and NeXT Software, Inc. have established that respondents HTC Corp., HTC America, Inc., and Exedea, Inc. infringed asserted claims 1, 2, 24, and 29 of U.S. Patent No. 6,343,263 (the '263 patent) and asserted claims 1, 8, 15, and 19 of U.S. Patent No. 5,946,647 (the '647 patent) in violation of section 337(b) of the Tariff Act of 1930, as amended. 19 U.S.C. § 1337(b). Complainants have not established that respondents infringed asserted claim 3 of the '647 patent or the asserted claims of U.S. Patent Nos. 6,275,983 (the '983 patent) and 5,481,721 (the '721 patent). It is further held that the asserted patents are not invalid.

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I. Background

A. Institution of Investigation

The Commission instituted this investigation by publication of a notice in the *Federal Register* on April 6, 2010, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended. 19 U.S.C. § 1337(b). This investigation was instituted:

to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain personal data or mobile communications devices or related software that infringe one or more of claims 1-3, 7, 12, and 32 of U.S. Patent No. 5,519,867; claims 1, 3, 7, 8, and 22 of U.S. Patent No. 6,275,983; claims 1, 3, 8-10, 12, 18, 19, 23, and 24 of U.S. Patent No. 5,566,337; claims 1-3 and 7-13 of U.S. Patent No. 5,929,852; claims 1, 3, 6, 8, 10, 13-16, 19, 20, and 22 of U.S. Patent No. 5,946,647; claim 1 of U.S. Patent No. 5,969,705; claims 1-6, 24, 25, 29, and 30 of U.S. Patent No. 6,343,263; claims 1, 3, 4, 6, 7, 9, 10, 15, and 17 of U.S. Patent No. 5,915,131; claims 1-3, 6, 8, 9, 12, and 14-17 of U.S. Patent No. RE39,486; and claims 1-6 and 19-22 of U.S. Patent No. 5,481,721, and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

75 Fed. Reg. 17434 (2010).

The notice of investigation names Apple Inc., f/k/a Apple Computer, Inc. of Cupertino, California; and NeXT Software, Inc., f/k/a NeXT Computer, Inc. of Cupertino, California as complainants. The named respondents are: High Tech Computer Corp. a/k/a/ HTC Corp. of Taoyuan, Taiwan; HTC America, Inc. of Bellevue, Washington; and Exedea, Inc. of Houston, Texas. The Commission Investigative Staff also is named as a party to this investigation. *Id.*

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