

## **Exhibit J**

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

In the Matter of

CERTAIN ELECTRONIC DEVICES WITH  
MULTI-TOUCH ENABLED TOUCHPADS  
AND TOUCHSCREENS

Inv. No. 337-TA-714

Order No. 35: Initial Determination Terminating The Investigation As To  
Claims 4, 12, 14, 18 And 21 Of The '352 Patent

In an unopposed filing dated March 4, 2011, pursuant to Commission rule 210.21(a), complainant Elan Microelectronics Corporation (Elan) moved for partial termination of this investigation by withdrawing all allegations related to claims 4, 12, 14, 18 and 21 asserted U.S. Patent No. 5,825,352 (the '352 patent).<sup>1</sup> (Motion Docket No. 714-40.)<sup>2</sup>

Complainant, in support of the pending motion, argued that the requested partial termination will simplify and streamline the factual and legal issues in this investigation without causing prejudice to respondent Apple Inc. (Apple); that partial termination as to claims 4, 12, 14, 18 and 21 of the '352 patent is likewise supported by the public interest and administrative economy; that pursuant to Commission rule 210.21(a), Elan affirms that there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation; and that the pending motion is made for the sole purpose of expediting and making more efficient the completion of this investigation.

Commission rule 210.21(a) permits a party to "move at any time prior to the issuance of an initial determination ... for an order to terminate an investigation ... in part as to any or all

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<sup>1</sup> Elan noted that it continues to assert, and Apple continues to infringe, claims 1, 2, 7 and 16 of the '352 patent.

<sup>2</sup> Claim 14 was omitted from the first sentence of Motion No. 714-40, but is listed in the title, elsewhere in the motion, and in the memorandum. The attorney advisor confirmed with counsel for complainant via telephone that claim 14 was intended to be withdrawn.

respondents, on the basis of withdrawal of ... certain allegations contained" in a complaint.

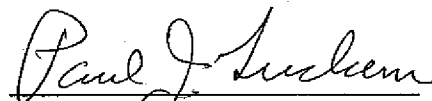
Motions for partial termination involving claims of asserted patents have been granted in prior investigations. See, e.g., Certain Semiconductor Timing Signal Generator Devices, Components Thereof, and Products Containing Same, Inv. No. 337-TA-465, Order No. 25, 2002 ITC LEXIS 359, at 4 (Jul. 9, 2002) (granting motion for partial termination with respect to certain asserted claims), "[W]hile good cause need not be shown in support of a complainant's voluntary request to withdraw patent claims from an investigation, it has been held that 'good cause exists for a complainant to withdraw patent claims from an investigation where withdrawal would serve to ensure resolution of the issues remaining in the investigation in an orderly fashion,'" Certain Laminated Floor Panels, Inv. No. 337-TA-545, Order No. 30, 2006 ITC LEXIS 179, at 3 (Apr. 3, 2006) (citing Certain Tool Handles, Tool Holders, Tool Sets, Components Therefore, Inv. No. 337-TA-483, Order No.7 (Apr. 22, 2003) (granting motion for partial termination as to certain claims where complainant "determined not to proceed with the investigation as to [certain claims], on the ground that a reduction in the number of patent claims at issue will allow the parties to focus their attention on the 'primary' patent claims in a more expeditious manner and will also reduce the time and resources required from all of the parties and the administrative law judge to proceed with the investigation."), Certain Zero-Mercury-Added Alkaline Batteries, Parts Thereof, and Products Containing Same, Inv. No. 337-TA-493, Order No. 96, 2004 ITC LEXIS 122, at \*2 (Jan. 28, 2004) (granting motion for partial termination of investigation as to certain asserted claims where no extraordinary circumstances warranted denial of the motion).

The administrative law judge finds no extraordinary circumstances which would warrant

the denial of the pending motion. Moreover, he further finds that granting the pending motion will streamline the investigation. Also he finds that partial termination of issues of the investigation will not prejudice the private parties in this investigation nor the public interest. Rather, terminating the investigation with respect to certain claims relating to the '352 patent will help ensure resolution of the remaining issues in this investigation in an orderly fashion, and generally reduce the burden on the Commission and the parties.

Based on the forgoing Motion No. 714-40 is granted.

This initial determination, pursuant to Commission rule 210.42(c), is hereby CERTIFIED to the Commission. Pursuant to Commission rule 210.42(h)(3), this initial determination shall become the determination of the Commission within thirty (30) days after the date of service hereof unless the Commission grants a petition for review of this initial determination pursuant to Commission rule 210.43, or orders on its own motion a review of the initial determination or certain issues therein pursuant to Commission rule 210.44.

  
Paul J. Luckern  
Chief Administrative Law Judge


Issued: March 7, 2011

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337-TA-714

**PUBLIC CERTIFICATE OF SERVICE**

I, James R. Holbein, hereby certify that the attached **Order** has been served by hand upon the Commission Investigative Attorney, Kevin G. Baer, Esq., and the following parties as indicated, on MAR 08 2011.

  
James R. Holbein, Acting Secretary  
U.S. International Trade Commission  
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**On Behalf of Complainant Elan Microelectronics  
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