

# Exhibit B

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. 1: Notice Of Ground Rules, Setting 5/20/10 Date For Discovery  
Statements, And 5/27/10 Date For Preliminary Conference

By notice, dated April 23, 2010, the Commission instituted an investigation, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, to determine (a) 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 electronic devices with multi-touch enabled touchpads or touchscreens that infringe one or more of claims 1, 2, 4, 7, 10, 12, 14, 16, 18, 19, 21, 24, 26, and 30 of U.S. Patent No. 5,825,352, and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

The complaint was filed with the Commission on March 29, 2010, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Elan Microelectronics Corporation of Taiwan. A letter supplementing the complaint was filed on April 16, 2010. The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and a cease and desist order.

The following was named in the notice of investigation as respondent and was served with the complaint:

Apple Inc.  
1 Infinite Loop  
Cupertino, CA 95014

Response to the complaint and the notice of investigation must be submitted by the named respondent in accordance with Commission rule 210.13. Also, pursuant to Commission rules 201.16(d) and 210.13(a), said response will be considered by the Commission if received no later than 20 days after the date of service of the complaint and the notice of investigation. Any extensions of time for submitting said response will not be granted unless good cause therefore is shown.

#### Ground Rules and Discovery

The attached ground rules supplement the Commission rules, which with the ground rules, govern the investigation. Said ground rules are in effect upon the issuance of this order. The ground rules of this administrative law judge not only have changed from investigation to investigation, but, due to situations that have arisen, their number has increased. Counsel are urged to review the ground rules and comment on them with respect to any proposed changes as is felt necessary.

The parties should commence discovery at an early date. See Commission rules 210.27 through 210.34. To facilitate discovery, Order No. 2 (the protective order), which relates to the treatment of confidential business information, issued with Order No. 1. With respect to amendments to the complaint and notice of investigation, reference is made to ground rule 1. Attention of the parties is also directed to ground rule 3, which requires that all motions, including motions related to discovery, include express verification that the party filing the motion has made reasonable, good faith efforts to contact and resolve the matter with opposing parties and, if known, to state the position of the other parties on any motion. Moreover, ground rule 3 also requires, inter alia, that prior to filing any written motion related to discovery, the

party intending to file such a motion shall meet and confer with opposing counsel and make a reasonable, good-faith effort to resolve the matter with the opposing parties. If no resolution is reached among the parties, the party intending to file a motion shall contact the attorney advisor, as well as the other parties, to schedule a telephone conference with the administrative law judge to attempt to resolve the discovery dispute. The party initiating the telephone conference should arrange to have the conference transcribed and copies of the transcript should be made available to the administrative law judge and all parties. Ground rule 22 stresses the responsibility of each of the parties and its counsel to cooperate due to time limits. Ground rule 24 orders that there should be no ex parte contacts with the administrative law judge. Attention of the parties is further directed to ground rule 10, which relates to evidence.

#### Discovery Statement

On or before May 20, 2010, each party shall have in the hands of the administrative law judge and the other parties a discovery statement which should state the following:

1. The proposed issues to be litigated within the framework of the general issues set out in paragraph one of this order;
2. A general description of information and evidence that each party intends to submit to prove its own case;
3. A general description of information and evidence that each party will be seeking from others;
4. A description of information and evidence each party believes can be obtained only by deposition, interrogatory, subpoena or request for admissions;
5. Status of any settlement discussions;

6. Status of any litigation that may affect any issue in this investigation;
7. Proposal for modification of, or addition to, the ground rules attached to this order and which are in effect, pursuant to this order, for this investigation;
8. Proposal for any modifications of the protective order (Order No. 2) now in effect for this investigation;
9. Position as to target date; and
10. Position of the private parties as to whether they want the administrative law judge law to take an active role in settlement conferences.

Two copies of the discovery statement shall be supplied to the administrative law judge and one copy shall be supplied to each of the other parties to this investigation. No copy should be filed with the Commission.

#### Target Date and Proposed Procedural Schedule(s)

An order will issue setting the target date which will be set, pursuant to Commission rule 210.51(a), after considering the positions of the parties as to a target date in their discovery statements. After issuance of said order and consistent with the target date, which will be set by the administrative law judge soon after May 20, 2010, there should be received by the administrative law judge proposed procedural schedule(s). The date for their receipt will be set in the target date order. The contents of any procedural schedule are set forth in ground rule 9. The parties, when feasible, should discuss any proposed procedural schedule with each other. Any proposed procedural schedule should not be filed with the Secretary.

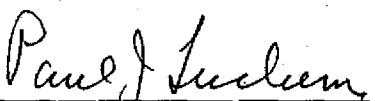
#### Preliminary Conference

The parties are put on notice that a preliminary conference will be held on May 27, 2010

commencing at 1:45 PM in Hearing Room B. The purpose of the preliminary conference is to have the opportunity: (1) to question the parties with respect to issues raised by the complaint, and any responses to the complaint, (2) to hear any issues the parties may have raised in their discovery statements, (3) to hear how discovery is progressing, and (4) to hear possible arguments on any other issue that may have surfaced.

Should the parties have any questions, they should contact Robert A. Hall (Tel. No. 202-205-2694), who is the attorney advisor to the undersigned.

The administrative law judge is requesting that this order be delivered by overnight mail.

  
Paul J. Luckern  
Chief Administrative Law Judge

Issued: April 26, 2010