

UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, DC

Before the Honorable Thomas B. Pender  
Administrative Law Judge

In the Matter of

CERTAIN ELECTRONIC DEVICES  
WITH COMMUNICATION  
CAPABILITIES, COMPONENTS  
THEREOF, AND RELATED SOFTWARE

Investigation No. 337-TA-808

**RESPONDENT APPLE INC.'S MOTION SEEKING RECOMMENDATION  
TO THE DISTRICT COURT FOR THE DISTRICT OF COLUMBIA TO ISSUE A  
LETTER OF REQUEST, AND MOTION FOR SHORTENED RESPONSE TIME**

Pursuant to 19 C.F.R. §§ 210.32 and 210.26, Respondent Apple Inc. moves for the Administrative Law Judge to recommend that the District Court for the District of Columbia issue a Letter of Request on behalf of Apple to obtain documents and deposition testimony from foreign third party:

Cambridge Silicon Radio International, PLC  
Churchill House  
Cambridge Business Park  
Cowley Road  
Cambridge CB4-0WZ  
United Kingdom

Pursuant to Ground Rule 5.1.2, Apple made reasonable, good-faith efforts to contact Complainant HTC Corp. and the Commission Investigative Staff to resolve this matter at least two business days prior to filing this motion. Complainant will take a position after reviewing Apple's motion. The Staff does not oppose the motion.

Apple seeks production of documents and deposition testimony for use at the hearing in this Investigation from Cambridge Silicon Radio International, PLC ("CSR England") and

certain of its officers, because CSR England is a designer and manufacturer of electronic devices with communication capabilities, components thereof, and related software in the years before the publication of the Patents asserted against Apple in these proceedings. Thus, CSR England possesses unique and significant information concerning prior art related to certain of the asserted patents. CSR England is believed to be most knowledgeable about the sales, marketing, and operation of its products. The documents and testimony Apple seeks from CSR England is highly relevant for the hearing because it is believed to include prior art devices and documents that will disclose each and every element of the alleged inventions claimed in the Asserted Patents. Apple also requires testimony from officers of CSR England to authenticate the documents CSR England produces so Apple can use those documents in these proceedings to prove that the Asserted Patents are invalid.

Apple attempted to obtain the documents and information sought in the Letter of Request by serving a subpoena for documents and testimony on Cambridge Silicon Radio International, LLC ("CSR America") to obtain discovery relevant to Apple's patent invalidity defense. Counsel for CSR America notified Apple that CSR America did not have any responsive documents in its possession, custody, or control. Additionally, counsel for CSR America advised Apple that the requested documents and knowledgeable individuals reside in England with CSR England. CSR America indicated it could not direct CSR England to comply with the subpoena. Accordingly Apple respectfully requests that the Administrative Law Judge grant Apple's application and recommend that the District Court for the District of Columbia issue Apple's Letter of Request to the Central Authority for England. To comply with English procedural requirements, Apple has limited its motion to requesting documents and testimony on which Apple intends to rely at the hearing, rather than the broader range of material that would be available in discovery in the

United States. Because time is of the essence due to the upcoming discovery deadlines and the logistical difficulties Apple faces in obtaining discovery abroad, Apple requests that the response time be shortened to 5:00 p.m. on May 21, 2012.

Dated: May 16, 2012

Respectfully submitted,

/s/ Daniel F. Smith

V. James Adduci, II

Andrew F. Pratt

Daniel F. Smith

ADDUCI, MASTRIANI & SCHAUMBERG, LLP

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*Counsel for Respondent Apple Inc.*

UNITED STATES INTERNATIONAL TRADE COMMISSION  
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In the Matter of

CERTAIN ELECTRONIC DEVICES  
WITH COMMUNICATION  
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THEREOF, AND RELATED SOFTWARE

Investigation No. 337-TA-808

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF RESPONDENT  
APPLE INC.'S MOTION SEEKING RECOMMENDATION TO THE DISTRICT  
COURT FOR THE DISTRICT OF COLUMBIA TO ISSUE A LETTER OF REQUEST,  
AND MOTION FOR SHORTENED RESPONSE TIME**

Pursuant to 19 C.F.R. §§ 210.32 and 210.26, Respondent Apple Inc. moves for the Administrative Law Judge ("ALJ") to issue the attached Recommendation (Appendix A) that the District Court for the District of Columbia issue a Letter of Request on behalf of Apple to obtain documents and deposition testimony from four foreign third parties:

Document production by:

Cambridge Silicon Radio International, PLC  
Churchill House  
Cambridge Business Park  
Cowley Road  
Cambridge CB4-0WZ  
United Kingdom

And document production and deposition testimony by:

Mr Joep van Beurden, Chief Executive Officer;  
Mr Christopher Ladas, Operations Director;  
Mr Brett Gladden, Company Secretary;  
Each of Cambridge Silicon Radio International, PLC at the above address.

The underlying Letter of Request (attached as Appendix B) solicits assistance from the Central Authority for England and Wales to obtain certain technical documents and testimony from Cambridge Silicon Radio International, PLC ("CSR England") for use at the hearing in these proceedings. Apple respectfully requests that the ALJ grant this application so that Apple may initiate a civil proceeding on the District Court for the District of Columbia's miscellaneous docket to obtain issuance of the attached Letter of Request.

Apple has attached the following documents to this Application:

- Proposed Order Granting Apple's Motion Seeking Recommendation to the District Court for the District of Columbia to Issue a Letter of Request.
- Appendix A: Recommendation by the Honorable Thomas B. Pender that the District Court for the District of Columbia issue a Letter of Request on behalf of Apple.
- Appendix B: Letter of Request by the District Court for the District of Columbia on behalf of Apple.
  - Exhibit 1: Protective Order.
  - Exhibit 2: Documents to be Produced by CSR England
  - Exhibit 3: Topics for the Deposition of CSR England

**I. THE DISTRICT COURT FOR THE DISTRICT OF COLUMBIA HAS AUTHORITY TO ISSUE LETTERS OF REQUEST UNDER THE HAGUE CONVENTION**

The Hague Convention on Taking of Evidence Abroad in Civil or Commercial Matters ("the Hague Convention") provides that "[i]n civil or commercial matters a judicial authority of a Contracting State may, in accordance with the provisions of the law of that State, request the competent authority of another Contracting State, by means of a Letter of Request, to obtain evidence, or to perform some other judicial act." Hague Convention, Art. 1. The United States and the United Kingdom are parties to the Hague Convention. The United Kingdom ratified the

Hague Convention on July 16, 1976; the United States ratified the Hague Convention on August 8, 1972. *See* Ex. A.

The Hague Convention authorizes the District Court for the District of Columbia to issue the Letter of Request. 28 U.S.C. § 1781(b)(2) (permitting "the transmittal of a letter rogatory or request directly from a tribunal in the United States to the foreign or international tribunal, officer, or agency to whom it is address and its return in the same manner"); *see Societe Nationale Industrielle Aerospatiale v. U.S. Dist. Court for the S. Dist. of Iowa*, 482 U.S. 522, 535 (1987) ("a judicial authority in one contracting state 'may' forward a letter of request to the competent authority in another contracting state for the purpose of obtaining evidence"); *Certain Home Vacuum Packaging Machs., Inv. No. 337-TA-496*, Order No. 39, at 3 (Jan. 12, 2004) (granting motion to approve requests for international judicial assistance in procuring evidence, where the ALJ found the procedure was "likely to be the only effective means of obtaining needed information"), upheld with amendment, Comm'n Order (Mar. 24, 2004). The Hague Convention established a system, based on international comity, to enable a requesting state to obtain evidence from a foreign entity in a manner "tolerable" to the state executing the request. *See Societe Nationale*, 482 U.S. at 530.

Although an ALJ may directly issue a Letter of Request, the English court will examine the request to ensure that it complies with the English statutory requirements. Those requirements include (a) that the request is from a "court or tribunal" and (b) that the request is made for the purpose of procuring evidence for use at the trial in "civil proceedings" (as that term is used in England, which is further explained below). *See* Ex. B, Evidence (Proceedings in Other Jurisdictions) Act 1975.

Apple's English counsel informs Apple that in England, in this context, "civil proceedings" are any proceedings other than criminal proceedings, and include in particular administrative and public law proceedings. Apple believes that the English court will take notice of the views of the U.S. district court as to whether proceedings before the ITC are administrative proceedings (and therefore "civil proceedings" for English purposes), and whether the ITC is a "court or tribunal." Apple believes that an assessment of these points by the ITC itself, judging in its own cause, may not be as persuasive for an English court as an assessment made by an independent court. Out of a desire to assist the English court in making its decision, Apple therefore asks that the Letter of Request be issued by the District Court rather than by the ITC. Accordingly, Apple respectfully requests the ALJ to recommend that the District Court for the District of Columbia issue the attached Letter of Request to the Senior Master of the High Court of England and Wales on behalf of Apple. *See, e.g., Certain Wireless Devices With 3G Capabilities & Components Thereof*, Inv. No. 337-TA-800, Order No. 21 (May 3, 2012) (granting complainants' motion for issuance of a Letter of Request to obtain documents and deposition testimony from a third party located in England); *Luzzi v. ATP Tour, Inc.*, No. 3:09-cv-1155-J-32MCR, 2010 U.S. Dist. LEXIS 26296, at \*2-4 (M.D. Fla. Mar. 2, 2010) (granting motion for issuance of letters rogatory and issuing letters of request to depose non-party witnesses in England, Belgium, and Switzerland).

**II. RELEVANT CSR ENGLAND DOCUMENTS AND WITNESSES ARE LOCATED IN ENGLAND**

HTC Corporation's complaint alleges that Apple imports, sells for importation and/or sells within the United States after importation certain electronic devices with communications capabilities, components thereof, and related software that allegedly infringe U.S. Patent No. 7,765,414, U.S. Patent No. 7,417,944, U.S. Patent No. 7,672,219, U.S. Patent No. 6,708,214,

U.S. Patent No. 6,473,006, U.S. Patent No. 7,289,772, U.S. Patent No. 6,868,283 and U.S. Patent No. 7,020,849 (collectively, "the Asserted Patents"). HTC seeks, among other things, an exclusion order barring importation of the allegedly infringing devices.

Apple raised several defenses against HTC's patent infringement allegations, including the defenses that the patents are invalid, not infringed, and unenforceable. Apple's invalidity defense requires information about certain third-parties' publications, public uses, sales, and offers for sale of products that predate the alleged inventions claimed in the Asserted Patents. CSR England is one of these certain third parties.

Apple believes that CSR England, as a designer and manufacturer of electronic devices with communication capabilities, components thereof, and related software in the years before the publication of the Asserted Patents, possesses unique and significant information concerning that technology as it existed before the Asserted Patents were published. CSR England is believed to be most knowledgeable about the sales, marketing, and operation of its products. The documents and deposition testimony Apple seeks from CSR England and its officers is highly relevant because (a) it is believed to include devices and documents that will disclose each and every element of the alleged inventions claimed in the Asserted Patents, which is an issue to be established at the hearing and (b) because Apple requires it to authenticate the documents produced by CSR England in order to use those documents during the hearing to prove the Asserted Patents are invalid. The attached Letter requests that CSR England produce the documents described in Exhibit 2 to the Letter, and requests that specific officers of CSR England appear to testify at a deposition regarding the matters identified in Exhibit 3 to the Letter as soon as practicable.



### **III. A LETTER OF REQUEST IS REQUIRED TO OBTAIN RELEVANT INFORMATION FROM CSR ENGLAND**

Issuance of the attached Letter of Request is appropriate for several reasons. The documents and deposition testimony sought from CSR England are highly relevant for use at the hearing as part of Apple's invalidity defense. Apple does not seek information that, if disclosed, would compromise the security of England. Apple attempted to obtain the documents and deposition testimony sought in the Letter of Request through a subpoena for documents and deposition testimony served on Cambridge Silicon Radio International, LLC ("CSR America"). Counsel for CSR America notified Apple that CSR America did not have any responsive documents or knowledgeable individuals in its possession, custody, or control, but instead that the requested documents and knowledgeable individuals reside in England with CSR England. CSR America indicated it could not direct CSR England to comply with the subpoena.

Apple is unable to obtain the requested documents and deposition testimony by any other means because the relevant documents and knowledgeable witnesses are in England and are beyond the reach of the Commission's subpoena power. Apple's ability to defend itself at the hearing in these proceedings against HTC's infringement allegations will be prejudiced if it is unable to obtain the requested documents and deposition testimony from CSR England and its officers.

Apple is fully prepared to meet the procedural requirements for obtaining evidence from CSR England through a Letter of Request. The steps required to obtain judicial assistance are:

- Obtain a Letter of Request with a District Court judge's signature and the District Court's seal.
- The Letter of Request must include the identities of the parties, the nature of the proceedings, the material sought, special procedures, the identity of the party that will

bear any costs, and other information as recommended by the Hague Convention.

*See* Ex. C, Hague Convention, Model for Letters of Request recommended for use in applying the Hague Convention.

- Apple must transmit the Letter of Request to the Central Authority for England and Wales for enforcement in a British Court.
- Apple must then make an Application to the High Court of England and Wales for an order under the Evidence (Proceedings in Other Jurisdictions) Act 1975 for the evidence to be obtained from CSR England.
- The Letter of Request is given effect in England following an application to the English court. That application can be made by Apple's English lawyers (*solicitors*) and needs to contain a statement of the issues relevant to these proceedings. It is convenient to ensure that Apple's solicitors in England and the statement of issues are identified in the Letter of Request.

Accordingly Apple respectfully requests that the Administrative Law Judge grant Apple's application and recommend to the District Court for the District of Columbia issue Apple's Letter of Request to the Central Authority for England and Wales.

Dated: May 16, 2012

Respectfully submitted,

/s/ Daniel F. Smith

V. James Adduci, II

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*Counsel for Respondent Apple Inc.*

# **EXHIBIT A**

# Status table

## 20: Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters

Entry into force: 7-X-1972

Last update: 25-I-2012

Number of Contracting States to this Convention: 56

print [View and/or print full status report](#)

1) S = Signature

2) R/A/Su = Ratification, Accession or Succession

3) Type = R: Ratification;

A: Accession;

A\*: Accession giving rise to an acceptance procedure; click on A\* for details of acceptances of the accession;

C: Continuation;

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Den: Denunciation;

4) EIF = Entry into force

5) Ext = Extensions of application

6) Auth = Designation of Authorities

7) Res/D/N = Reservations, declarations or notifications

### Members of the Organisation ([click here for the non-Member States](#))

States	S <sup>1</sup>	R/A/Su <sup>2</sup>	Type <sup>3</sup>	EIF <sup>4</sup>	Ext <sup>5</sup>	Auth <sup>6</sup>	Res/D/N <sup>7</sup>
Albania		16-VII-2010	<a href="#">A*</a>	14-IX-2010		<a href="#">1</a>	<a href="#">D</a> 33,35
Argentina		8-V-1987	<a href="#">A*</a>	7-VII-1987		<a href="#">1</a>	<a href="#">D,Res</a> 23,33
Australia		23-X-1992	<a href="#">A*</a>	22-XII-1992		<a href="#">3</a>	<a href="#">D,Res</a> 8,15,16,23,33,40
Belarus		7-VIII-2001	<a href="#">A*</a>	6-X-2001		<a href="#">2</a>	<a href="#">D,Res</a> 4,8,16,17,18
Bosnia and Herzegovina		16-VI-2008	<a href="#">A*</a>	15-VIII-2008		<a href="#">1</a>	
Bulgaria		23-XI-1999	<a href="#">A*</a>	22-I-2000		<a href="#">2</a>	<a href="#">D,Res</a> 4,16,17,18,19,8,11,2
China, People's Republic of		8-XII-1997	<a href="#">A*</a>	6-II-1998		<a href="#">4</a>	<a href="#">D,N,Res</a> 4,16,23,33

Croatia		1-X-2009	<a href="#">A*</a>	30-XI-2009		<u>1</u>	<a href="#">D,Res</a> 4,8,15,16,18,23
Cyprus		13-I-1983	<a href="#">A*</a>	14-III-1983		<u>3</u>	<a href="#">D,Res</a> 8,18,23,33
Czech Republic		28-VI-1993	<a href="#">Su</a>	1-I-1993		<u>2</u>	<a href="#">D</a> 16,18,40
Denmark	18-IV-1972	20-VI-1972	R	7-X-1972		<u>2</u>	<a href="#">D,Res</a> 4,8,15,16,17,23,27
Estonia		2-II-1996	<a href="#">A*</a>	2-IV-1996		<u>2</u>	<a href="#">D</a> 8,11,23
Finland	9-III-1976	7-IV-1976	R	6-VI-1976		<u>2</u>	<a href="#">D,Res</a> 4,8,16,17,23,35
France	24-VIII-1972	7-VIII-1974	<a href="#">R</a>	6-X-1974	<u>1</u>	<u>2</u>	<a href="#">D,Res</a> 4,16,17,23
Germany	18-III-1970	27-IV-1979	R	26-VI-1979		<u>2</u>	<a href="#">D,Res</a> 4,8,16,23,35
Greece	18-I-2005	18-I-2005	R	19-III-2005		<u>2</u>	<a href="#">D,Res</a> 4,8,15,16,17,23,35
Hungary		13-VII-2004	<a href="#">A*</a>	11-IX-2004		<u>2</u>	<a href="#">D,Res</a> 2,4,8,15,16,17,18,23
Iceland		10-XI-2008	<a href="#">A*</a>	9-I-2009		<u>1</u>	<a href="#">D,Res</a> 4,8,15,23
India		7-II-2007	<a href="#">A*</a>	8-IV-2007		<u>3</u>	<a href="#">D</a> 4,8,16,17,18,23
Israel	11-XI-1977	19-VII-1979	R	17-IX-1979		<u>2</u>	<a href="#">D</a> 2,8,16,17
Italy	6-II-1975	22-VI-1982	R	21-VIII-1982		<u>2</u>	<a href="#">D</a> 2,8,18,23,35
Korea, Republic of		14-XII-2009	<a href="#">A*</a>	12-II-2010		<u>2</u>	<a href="#">D,Res</a> 4,8,16,17,23,33
Latvia		28-III-1995	<a href="#">A*</a>	27-V-1995		<u>2</u>	<a href="#">D</a> 4,8,16,17
Lithuania		2-VIII-2000	<a href="#">A*</a>	1-X-2000		<u>2</u>	<a href="#">D,Res</a> 4,8,16,17,23
Luxembourg	2-V-1975	26-VII-1977	R	24-IX-1977		<u>2</u>	<a href="#">D,Res</a> 4,16,17,23
Malta		24-II-2011	<a href="#">A*</a>	25-IV-2011		<u>1</u>	<a href="#">Res</a> 4
Mexico		27-VII-1989	<a href="#">A*</a>	25-IX-1989		<u>1</u>	<a href="#">D,Res</a> 4,17,18,23,27,32
Monaco		17-I-1986	<a href="#">A*</a>	18-III-1986		<u>2</u>	<a href="#">D,Res</a> 4,16,17,23

Montenegro		16-I-2012	<a href="#">A*</a>	16-III-2012		<u>2</u>	<a href="#">D,Res</a> 23,33
Morocco		24-III-2011	<a href="#">A*</a>	23-V-2011		<u>1</u>	
Netherlands		8-IV-1981	R	7-VI-1981	<u>1</u>	<u>3</u>	<a href="#">D,Res</a> 4,8,11,14,16,17,23,2
Norway	18-III-1970	3-VIII-1972	R	7-X-1972		<u>3</u>	<a href="#">D,Res</a> 4,15,23
Poland		13-II-1996	<a href="#">A*</a>	13-IV-1996		<u>3</u>	<a href="#">Res</a> 8,23,33
Portugal	18-III-1970	12-III-1975	R	11-V-1975		<u>2</u>	<a href="#">D,Res</a> 4,15,23
Romania		21-VIII-2003	<a href="#">A*</a>	20-X-2003		<u>2</u>	<a href="#">D,Res</a> 8,16,17,18,19,21,23
Russian Federation		1-V-2001	<a href="#">A*</a>	30-VI-2001			
Serbia		2-VII-2010	<a href="#">A*</a>	<a href="#">31-VIII-2010</a>		<u>2</u>	<a href="#">D</a> 4,8,16,17,18,35
Slovakia		15-III-1993	<a href="#">Su</a>	1-I-1993		<u>2</u>	<a href="#">D</a> 16,18,40
Slovenia		18-IX-2000	<a href="#">A*</a>	17-XI-2000		<u>1</u>	
South Africa		8-VII-1997	<a href="#">A*</a>	6-IX-1997		<u>3</u>	<a href="#">D,Res</a> 4,15,16,17,23
Spain	21-X-1976	22-V-1987	R	21-VII-1987		<u>2</u>	<a href="#">D,Res</a> 4,8,16,17,23
Sri Lanka		31-VIII-2000	<a href="#">A*</a>	30-X-2000		<u>1</u>	<a href="#">D,Res</a> 4,8,23,33
Sweden	21-IV-1975	2-V-1975	R	1-VII-1975		<u>1</u>	<a href="#">D</a> 4,8,15,23
Switzerland	21-V-1985	2-XI-1994	R	1-I-1995		<u>3</u>	<a href="#">D,Res</a> 1,2,4,8,15,16,17,23,
The former Yugoslav Republic of Macedonia		19-III-2009	<a href="#">A*</a>	18-V-2009			<a href="#">D</a> 4,8,23
Turkey	13-XII-2000	13-VIII-2004	R	12-X-2004		<u>2</u>	<a href="#">D,Res</a> 4,16,17,23
Ukraine		1-II-2001	<a href="#">A*</a>	1-IV-2001		<u>2</u>	<a href="#">D,Res</a> 4,8,16,17,18,19,23
United Kingdom of Great Britain and Northern Ireland	18-III-1970	16-VII-1976	R	14-IX-1976	<u>8</u>	<u>3</u>	<a href="#">D,N,Res</a> 8,18,23,27,33
United States of America	27-VII-1970	8-VIII-1972	R	7-X-1972	<u>3</u>	<u>3</u>	<a href="#">D</a> 4,8,16,17,18
Venezuela		1-XI-1993	<a href="#">A*</a>	31-XII-1993		<u>1</u>	<a href="#">Res,D</a> 4,23

## Non-Member States of the Organisation ([click here for the Members](#))

States	<a href="#">S</a> <sup>1</sup>	<a href="#">R/A/Su</a> <sup>2</sup>	<a href="#">Type</a> <sup>3</sup>	<a href="#">EIF</a> <sup>4</sup>	<a href="#">Ext</a> <sup>5</sup>	<a href="#">Auth</a> <sup>6</sup>	<a href="#">Res/D/N</a> <sup>7</sup>
Barbados		5-III-1981	<a href="#">A*</a>	4-V-1981		<a href="#">1</a>	
Colombia		13-I-2012	<a href="#">A*</a>	13-III-2012			
Kuwait		8-V-2002	<a href="#">A*</a>	7-VII-2002		<a href="#">1</a>	
Liechtenstein		12-XI-2008	<a href="#">A*</a>	11-I-2009		<a href="#">1</a>	<a href="#">D</a> 4,8,11,15-18,23
Seychelles		7-I-2004	<a href="#">A*</a>	7-III-2004		<a href="#">2</a>	<a href="#">D</a> 23
Singapore		27-X-1978	<a href="#">A*</a>	26-XII-1978		<a href="#">1</a>	<a href="#">D,Res</a> 4,23

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# **EXHIBIT B**





# Evidence (Proceedings in Other Jurisdictions) Act 1975

## 1975 CHAPTER 34

### *Evidence for civil proceedings*

#### **1 Application to United Kingdom court for assistance in obtaining evidence for civil proceedings in other court.**

Where an application is made to the High Court, the Court of Session or the High Court of Justice in Northern Ireland for an order for evidence to be obtained in the part of the United Kingdom in which it exercises jurisdiction, and the court is satisfied—

- (a) that the application is made in pursuance of a request issued by or on behalf of a court or tribunal (“the requesting court”) exercising jurisdiction in any other part of the United Kingdom or in a country or territory outside the United Kingdom; and
- (b) that the evidence to which the application relates is to be obtained for the purposes of civil proceedings which either have been instituted before the requesting court or whose institution before that court is contemplated,

the High Court, Court of Session or High Court of Justice in Northern Ireland, as the case may be, shall have the powers conferred on it by the following provisions of this Act.

#### **Annotations:**

#### **Modifications etc. (not altering text)**

- C1** S. 1 extended by S.I. 1976/428, art. 2 and Patents Act 1977 (c. 37), s. 92(1)

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Evidence (Proceedings in Other Jurisdictions) Act 1975. Any changes that have already been made by the team appear in the content and are referenced with annotations.

**Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:**

- Blanket Amendment words substituted by [2005 c. 4 Sch. 11 para. 1\(2\)](#)

**Commencement Orders yet to be applied to the Evidence (Proceedings in Other Jurisdictions) Act 1975:**

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2005/910 art. 3](#) commences ([2003 c. 39](#))
- [S.I. 2009/1604 art. 2](#) commences ([2005 c. 4](#))
- [S.S.I. 2011/178 art. 2](#) commences ([2010 asp 13](#))

# **EXHIBIT C**

*Model for Letters of Request recommended for use in applying the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters*

**Request for International Judicial Assistance pursuant to the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters**

*N.B. Under the first paragraph of Article 4, the Letter of Request shall be in the language of the authority requested to execute it or be accompanied by a translation into that language. However, the provisions of the second and third paragraphs may permit use of English, French or another language.*

*In order to avoid confusion, please spell out the name of the month in each date.*

*Please fill out an original and one copy of this form (use additional space if required).*

1. Sender

(identity and address)

2. Central Authority of the Requested State

(identity and address)

3. Person to whom the executed request is to be returned

(identity and address)

4. Specification of the date by which the requesting authority requires receipt of the response to the Letter of Request

Date

Reason for urgency\*

---

\* Omit if not applicable.

IN CONFORMITY WITH ARTICLE 3 OF THE CONVENTION, THE UNDERSIGNED APPLICANT HAS THE HONOUR TO SUBMIT THE FOLLOWING REQUEST:

5. <i>a</i>	Requesting judicial authority (Article 3, <i>a</i> )	(identity and address)
<i>b</i>	To the competent authority of (Article 3, <i>a</i> )	(the requested State)
<i>c</i>	Names of the case and any identifying number	
6.	Names and addresses of the parties and their representatives (including representatives in the requested State*) (Article 3, <i>b</i> )	
<i>a</i>	Plaintiff	
	Representatives	
<i>b</i>	Defendant	
	Representatives	
<i>c</i>	Other parties	
	Representatives	

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\* Omit if not applicable.

7. a	Nature of the proceedings (divorce, paternity, breach of contract, product liability, etc.) (Article 3, c)	
b	Summary of complaint	
c	Summary of defence and counterclaim*	
d	Other necessary information or documents*	
8. a	Evidence to be obtained or other judicial act to be performed (Article 3, d))	
b	Purpose of the evidence or judicial act sought	
9.	Identity and address of any person to be examined (Article 3, e))*	
10.	Questions to be put to the persons to be examined or statement of the subject-matter about which they are to be examined (Article 3, f))*	(or see attached list)

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\* Omit if not applicable.



11. Documents or other property to be inspected (Article 3, g)\*

12. Any requirement that the evidence be given on oath or affirmation and any special form to be used (Article 3, h)\*

(In the event that the evidence cannot be taken in the manner requested, specify whether it is to be taken in such manner as provided by local law for the formal taking of evidence)

13. Special methods or procedure to be followed (e.g. oral or in writing, verbatim, transcript or summary, cross-examination, etc.) (Articles 3, i) and 9)\*

(In the event that the evidence cannot be taken in the manner requested, specify whether it is to be taken in such manner as provided by local law)

14. Request for notification of the time and place for the execution of the Request and identity and address of any person to be notified (Article 7)\*

15. Request for attendance or participation of judicial personnel of the requesting authority at the execution of the Letter of Request (Article 8)\*

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\* Omit if not applicable.

16. Specification of privilege or duty to refuse to give evidence under the law of the State of origin (Article 11, b))\*

(attach copies of relevant laws or regulations)

17. The fees and costs incurred which are reimbursable under the second paragraph of Article 14 or under Article 26 of the Convention will be borne by\*

(identity and address)

DATE OF REQUEST

SIGNATURE AND SEAL OF THE REQUESTING AUTHORITY

**Erase all entries**

**Print**

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\* Omit if not applicable.



UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, DC

Before the Honorable Thomas B. Pender  
Administrative Law Judge

In the Matter of

CERTAIN ELECTRONIC DEVICES  
WITH COMMUNICATION  
CAPABILITIES, COMPONENTS  
THEREOF, AND RELATED  
SOFTWARE

Investigation No. 337-TA-808

**ORDER NO. [ ]: [PROPOSED] ORDER GRANTING APPLE INC.'S  
MOTION FOR RECOMMENDATION TO THE  
RECOMMENDATION TO THE DISTRICT  
COURT FOR THE DISTRICT OF COLUMBIA  
TO ISSUE A LETTER OF REQUEST**

On May 16, 2012, Respondent Apple Inc. filed a motion seeking issuance of the attached Recommendation to the District Court for the District of Columbia to Issue a Letter of Request on behalf of Apple to obtain documents and deposition testimony from Cambridge Silicon Radio International, PLC ("CSR England") located in the United Kingdom. Apple seeks documents and deposition testimony from CSR England (and its officers) for use at the hearing in these proceedings because it is a designer and manufacturer of electronic devices with communication capabilities, components thereof, and related software in the years before the publication of the Patents asserted against Apple. Apple's evidence shows that CSR England possesses unique and significant information concerning this technology as it existed before the Patents asserted against Apple were published and that CSR England is most knowledgeable about the sales, marketing, and operation of its products. Apple's evidence also shows that the documents and deposition testimony sought from CSR England and its officers can be expected to include prior

art devices and documents that disclose each and every element of the alleged inventions claimed in the Asserted Patents.

Apple's motion is hereby GRANTED. The Recommendation is attached to this Order as Attachment A.

**SO ORDERED.**

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Thomas B. Pender  
Administrative Law Judge