



UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

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

Inv. No. 337-TA-808

**ORDER NO. 14: GRANTING APPLE'S MOTION SEEKING RECOMMENDATION TO
THE DISTRICT COURT FOR THE DISTRICT OF COLUMBIA TO
ISSUE A LETTER OF REQUEST**
(May 31, 2012)

On May 16, 2012, Respondent Apple, Inc ("Apple") moved for a recommendation to the United States District Court for the District of Columbia for a Letter of Request on behalf of Apple to obtain documents and deposition testimony from foreign third-party Cambridge Silicon Radio International, PLC of the United Kingdom and certain of its officers, namely Mr. Joep van Beurden, Chief Executive Officer, Mr. Christopher Ladas, Operations Director, and Mr. Brett Gladden, Company Secretary. (Motion Docket No 808-036.) Apple convincingly argues that the depositions and document requests are relevant because Cambridge Silicon Radio International possesses unique and significant information concerning prior art related to certain of the asserted patents in this investigation that Apple expects will disclose each and every element of the alleged inventions claimed in the asserted patents. No opposition to the present motion has been filed.

There being no opposition and for the reasons stated above, Motion Docket No. 814-036 is hereby GRANTED. The recommendation is attached hereto as Appendix A.

SO ORDERED.

Thomas B. Pender
Administrative Law Judge

APPENDIX A

**In the United States District Court
For the District of Columbia**

**Before the Honorable Thomas B. Pender
Administrative Law Judge**

In the Matter of

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

Civil Action No. Misc. _____

**RECOMMENDATION FOR
ISSUANCE OF A LETTER
ROGATORY**

**DEPONENT: CAMBRIDGE SILICON
RADIO INTERNATIONAL, PLC.**

**LETTER OF 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**

The undersigned Administrative Law Judge finds that the evidence Respondent Apple Inc. seeks pursuant to its Proposed Letter of Request is evidence Apple is entitled to adduce at the hearing in this matter in the International Trade Commission (ITC) in relation to Apple's defense that the patents asserted against it by Complainant HTC Corporation are invalid. Accordingly, the undersigned recommends that the District Court for the District of Columbia issue, under its seal and signature, the attached Letter of Request to the Central Authority for England and Wales.

The ITC is a body falling within the ambit of institutes capable of issuing a Letter of Request under the Hague convention. Apple represents that English law for these purposes classifies all proceedings in a court or tribunal that are not criminal as civil. The proceedings in the ITC for the trial of which evidence is sought are not criminal proceedings. On the basis of

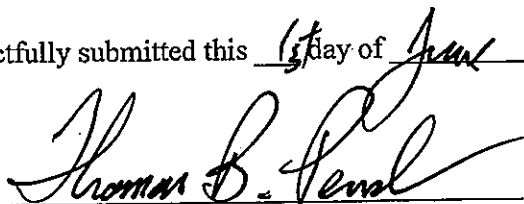
that conclusion, the ALJ has concluded that the ITC proceedings should be considered a civil proceeding under the English law test.

A Letter of Request is the appropriate method of gathering necessary evidence outside of the United States. Federal Rule of Civil Procedure 28(b) contemplates gathering evidence through a deposition in a foreign country under a properly issued letter of request. See Fed. R. Civ. P. 28(b) ("A deposition may be taken in a foreign country . . . under a letter of request. . . . A [letter of request] may be issued: (A) on appropriate terms after an application and notice of it."). Apple must transmit the Letter of Request with a District Court judge's signature and the District Court's seal to the Central Authority for England and Wales for enforcement in a British court. Apple's Proposed Letter of Request seeks international judicial assistance in obtaining relevant evidence in England needed for the hearing in the ITC investigation into imports of certain electronic devices with communication capabilities, components thereof, and related software that allegedly infringe certain U.S. patents asserted by HTC Corporation. Apple's Letter of Request meets the standards set forth for Letters of Request according to the U.S. Department of State and the Hague Convention. See U.S. Dept. of State, Judicial Assistance United Kingdom, http://travel.state.gov/law/judicial/judicial_671.html.

The ALJ has sought to ensure that the Letter of Request also complies with the requirements of the United Kingdom as explained by Apple. In particular, the ALJ believes on the basis of representations by Apple that the English court restricts requests for documents to specific documents and requests for testimony to specific questions, in each case restricted to such material that could be adduced at trial. The ALJ has examined the requests to comply with these requirements.

In order to comply with the statutory time limitation on International Trade Commission proceedings, the undersigned respectfully requests the Court to assign a judge and schedule a hearing to expedite the issuance of the Letter of Request.

Respectfully submitted this 1st day of June, 2012



Thomas B. Pender
Administrative Law Judge
United States International Trade Commission
500 E Street S.W., Room 317
Washington, DC 20436

Address for Return of Issued Letter of Request:

Daniel F. Smith
Adduci, Mastriani, & Schaumberg LLP
1133 Connecticut Avenue, N.W.
Washington, DC 20036
Telephone: (202) 467-6300
Facsimile: (202) 466-2006

Appendix B

**In the United States District Court
For the District of Columbia**

HTC Corporation,

Plaintiff (Complainant),

v.

Apple Inc.

Defendant (Respondent).

Civil Action No. Misc. _____

REQUEST FOR INTERNATIONAL ASSISTANCE – LETTER OF REQUEST

The United States District Court for the District of Columbia presents its compliments to the Senior Master of the High Court of England and Wales and respectfully requests international judicial assistance to obtain evidence, under the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, to be used in an administrative proceeding as approved by this Court in the above captioned matter. Based on the representations of Respondent Apple, Inc. ("Apple"), this Court believes that the testimony of Cambridge Silicon Radio International, PLC. ("CSR England"), and the particular documentary evidence in the possession of CSR England also described herein, are necessary for Apple to defend fairly against allegations made by Complainant HTC Corporation in the above referenced administrative proceeding. This Court requests the assistance described herein.

This Court respectfully requests that the Senior Master of the High Court expedite this request, if possible and permissible. There are important deadlines in the action pending before the Commission relevant to this Request and in particular Apple's expert report regarding the

evidence sought by this request is due on June 22, 2012. Thus, to the extent the Senior Master of the High Court can expedite this request, it is necessary to accelerate the process of obtaining the evidence requested below so that Apple can defend itself fairly against the allegations made by Complainant HTC Corporation in the above referenced administrative proceeding.

1. Sender:	Daniel F. Smith, Esq. Adduci Mastriani & Schaumberg LLP 1133 Connecticut Ave. N.W., 12 th Floor Washington, DC 20036 Tel. +1 202 467 6300 Fax +1 202 466 2006
2. Central Authority of the Requested State:	Senior Master Queen's Bench Division Royal Courts of Justice Strand London WC2A 2LL, England, United Kingdom
3. Person to whom the authorization is to be returned:	Daniel F. Smith, Esq. Adduci Mastriani & Schaumberg LLP 1133 Connecticut Ave. N.W., 12 th Floor Washington, DC 20036 Tel. +1 202 467 6300 Fax +1 202 466 2006
(AND UK SOLICITORS ACTING IN THIS MATTER)	Justin Watts Freshfields Bruckhaus Deringer LLP 65 Fleet Street London EC4Y 1HS
In conformity with Article 17 of the Convention, the undersigned applicant has the honor to submit the following request:	
4. a. Requesting judicial authority:	United States District Court Judge U.S. District Court for the District of Columbia 333 Constitution Ave., N.W. Washington, DC 20001 United States of America
b. To the competent authority of:	United Kingdom (England)
c. Name of the case and any identifying number:	<i>In the Matter of Certain Electronic Devices with Communication Capabilities, Components Thereof, and Related Software, Investigation No. 337-TA-808</i>

<p>5. Names and addresses of the parties and their representatives:</p> <p>a. Plaintiff (Complainant):</p>	<p>HTC Corporation</p> <p><u>Representatives:</u> Thomas L. Jarvis Thomas W. Winland John R. Alison Steven M. Anzalone Houtan K. Esfahani Paul C. Goulet FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP 901 New York Avenue, N.W. Washington, DC 20001-4413</p>
<p>b. Defendant (Respondent):</p>	<p>Apple Inc.</p> <p><u>Representatives:</u> V. James Adduci, II Andrew F. Pratt Daniel F. Smith ADDUCI, MASTRIANI & SCHAUMBERG, LLP 1133 Connecticut Avenue, NW, Twelfth Floor Washington, DC 20036</p>
<p>c. Other parties:</p>	<p>Office of Unfair Import Investigations of the United States International Trade Commission</p> <p><u>Representative:</u> R. Whitney Winston, Esq. Office of Unfair Import Investigations U.S. INTERNATIONAL TRADE COMMISSION 500 E Street, S.W., Room 401-F Washington, DC 20436 Email: Whitney.Winston@usitc.gov</p>
<p>6. Nature of the proceedings and summary of the facts:</p>	<p>Nature of the Proceedings Unfair act in the importation of articles predicated on alleged patent infringement.</p> <p>Summary of the Facts The complaint filed by HTC Corporation 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,</p>

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.

The United States International Trade Commission, under Section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337), as amended, instituted proceedings based on HTC's complaint and subsequently published notice of those proceedings in The Federal Register. Upon institution, the proceeding was originally assigned to Administrative Law Judge E. James Gildea to preside over pretrial matters, conduct a trial and issue an initial determination on the merits of the investigation. The proceeding has been since reassigned to Administrative Law Judge Thomas B. Pender. The initial determination of Judge Pender is subject to possible review by the Commission, with a right of appeal to the U.S. Court of Appeals for the Federal Circuit and further appeal to the Supreme Court of the United States.

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.

7. Evidence to be obtained and purpose:

Evidence to be Obtained

It is respectfully requested that a judicial authority of England and Wales order CSR England to produce documents and provide testimony as described in Exhibits 2 and 3 hereto, related to CSR England's electronic devices with communication capabilities, components thereof, and related software.

Due to the schedule in this case, particularly the upcoming deadline for submission of Apple's expert report on June 22, 2012, it is respectfully requested that the present request for permission to take evidence be considered as expeditiously as possible.

Purpose of the Evidence

Apple seeks the testimony and documents to obtain relevant evidence to defend against the allegations made in HTC's complaint. Specifically, Apple seeks the evidence requested in order to prove at the hearing that the Asserted Patents are invalid as anticipated or obvious in view of certain CSR England products and documents that predate the earliest invention date of the Asserted Patents. HTC cannot prove a violation of Section 337 based on any Asserted Patent claims that are found invalid.

The documents from CSR England and deposition testimony from its officers are highly relevant because they are believed to include devices and documents that will disclose each and every element of the alleged inventions claimed in the Asserted Patents. The testimony sought from CSR England is highly relevant because Apple requires it to authenticate the documents produced by CSR England in order to use those documents in the proceeding to prove the Asserted Patents are invalid.

Apple has reason to believe that CSR England has the documents sought and its officers can give relevant evidence by deposition because counsel for Cambridge Silicon Radio International, LLC advised Apple that the requested documents and knowledgeable individuals reside in England with CSR England, and the nominated individuals appear to be the relevant officers.

8. Identify and address of any person to be examined:	<p>Cambridge Silicon Radio International, PLC Churchill House Cambridge Business Park Cowley Road Cambridge CB4 0WZ United Kingdom</p> <p>And its officers</p> <p>Mr Joep van Beurden, Chief Executive Officer; Mr Christopher Ladas, Operations Director; Mr Brett Gladden, Company Secretary.</p>
9. Documents or other property to be inspected:	Please see the attached list in Exhibit 2.
10. Questions to be put to the persons to be examined or statement of the subject matter about which they are to be examined:	Please see the list of topics in Exhibit 3.
11. Any requirement that the evidence be given on oath or affirmation and any special form to be used:	It is respectfully requested that an examiner or other appropriate judicial officer of England direct that the witnesses be duly sworn in accordance with the applicable procedures in England, and that the testimony be taken and transcribed by a qualified court reporter chosen by Apple's representatives. It is further requested that the transcription of the deposition be in the English language.
12. Special methods or procedures to be followed:	<p>The following is respectfully requested:</p> <ul style="list-style-type: none"> a. That Apple's representatives or their designees be permitted to attend the deposition and examine the witness(es) on the topics listed in Exhibit 3; b. That the testimony be recorded by stenographic means, and Apple's representatives be provided with a copy of the transcript; c. That CSR England be at liberty on reasonable notice to Apple to substitute one or more alternate representatives to give testimony in place of each, any or all of the nominated witnesses providing that any alternative is at least as knowledgeable and able to respond in examination as the or each officer he or she replaces; d. That there be excluded from the examination, if

	<p>permitted under the law of England, all persons other than the judicial officer conducting the examination of CSR England, the designees of CSR England, the attorneys for the parties, the stenographer, and other officials of the court of England normally present during such proceedings;</p> <ul style="list-style-type: none"> e. That the stenographer be permitted to record the examinations verbatim; f. That the examination be conducted orally; g. That ten and a half (10.5) hours be allotted for the examination of each witness who requires a translator, and seven (7) hours be allotted for each English speaking witness; h. That the documents requested in Exhibit 2 be provided to the English Court no later than ten (10) days prior to the deposition at a mutually convenient location; i. That CSR England be at liberty to provide the documents requested in Exhibit 2 to Apple directly and certify to the court that it has done so, in place of filing at Court; j. That Apple be permitted to produce the documents and deposition testimony to the parties to the litigation pursuant to the rules governing the ITC litigation; and k. That the other parties to the litigation be permitted to attend the deposition and examine the witness(es) on the topics listed in Exhibit 3. <p>In the event that the evidence cannot be taken in the manner requested, it is to be taken in such manner as provided by local law for the formal taking of evidence.</p>
<p>13. Specification of privilege or duty to refuse to give evidence under the law of the State of origin:</p>	<p>CSR England and its designated persons only have the right to refuse to give evidence insofar as he or she has a privilege or duty to refuse to give evidence under the laws of the United States or the laws of England. In particular, CSR England may refuse to produce and permit inspection and copying of documents where doing so would disclose a privileged communication with counsel or where doing so would disclose work performed under the direction of an attorney. CSR England also has the right to exclude any documents of a personal nature.</p>

<p>14. Request for notification of time and place for the execution of the Request and identity and address of any person to be notified:</p>	<p>V. James Adduci, II, Esq. Andrew F. Pratt, Esq. Daniel F. Smith, Esq. ADDUCI, MASTRIANI & SCHAUMBERG, LLP 1133 Connecticut Avenue, NW, 12th Floor Washington, DC 20036</p> <p>Justin Watts Freshfields Bruckhaus Deringer LLP 65 Fleet Street London EC4Y 1HS</p> <p>Thomas L. Jarvis, Esq. Thomas W. Winland, Esq. John R. Alison, Esq. Steven M. Anzalone, Esq. Houtan K. Esfahani, Esq. Paul C. Goulet, Esq. FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP 901 New York Avenue, N.W. Washington, DC 20001-4413</p> <p>R. Whitney Winston, Esq. Office of Unfair Import Investigations U.S. INTERNATIONAL TRADE COMMISSION 500 E Street, S.W., Room 401-F Washington, DC 20436</p>
<p>15. Request for attendance or participation of judicial personnel of the requesting authority at the execution of the Letter of Request:</p>	<p>None</p>
<p>16. The fees and costs incurred that are reimbursable under the second paragraph of Article 14 or under Article 26 of the Convention will be borne by:</p>	<p>Apple Inc. c/o V. James Adduci, II, Esq. Andrew F. Pratt, Esq. Daniel F. Smith, Esq. ADDUCI, MASTRIANI & SCHAUMBERG, LLP 1133 Connecticut Avenue, NW, Twelfth Floor Washington, DC 20036</p>
<p>17. Date of request:</p>	<p>_____, 2012 _____, 2012 Month Day</p>

18. Signature and seal of the requesting authority:	<hr/> <p>United States District Court Judge U.S. District Court for the District of Columbia</p>
<p><u>Exhibits:</u> Exhibit 1, Protective Order; Exhibit 2, Documents or Other Property to be Produced by Cambridge Silicon Radio International, PLC Exhibit 3, Topics for the Deposition of Cambridge Silicon Radio International, PLC</p>	

APPLE701012-15.docx

EXHIBIT 1

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

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

Inv. No. 337-TA-808

ORDER NO. 1: PROTECTIVE ORDER

(September 30, 2011)

WHEREAS, documents and information may be sought, produced or exhibited by and among the parties to the above captioned proceeding, which materials relate to trade secrets or other confidential research, development or commercial information, as such terms are used in the Commission's Rules, 19 C.F.R. § 210.5;

IT IS HEREBY ORDERED THAT:

1. Confidential business information is information which concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the production, sales, shipments, purchases, transfers, identification of customers, inventories, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or other organization, or other information of commercial value, the disclosure of which is likely to have the effect of either (i) impairing the Commission's ability to obtain such information as is necessary to perform its statutory functions; or (ii) causing substantial harm to the competitive position of the person, firm, partnership, corporation, or other organization from which the information was obtained, unless the Commission is required by law to disclose such information. The term "confidential business information" includes "proprietary information" within the meaning of section 777(b) of

the Tariff Act of 1930 (19 U.S.C. § 1677f(b)).

2(a). Any information submitted, in pre hearing discovery or in a pleading, motion, or response to a motion either voluntarily or pursuant to order, in this Investigation, which is asserted by a supplier to contain or constitute confidential business information shall be so designated by such supplier in writing, or orally at a deposition, conference or hearing, and shall be segregated from other information being submitted. Documents shall be clearly and prominently marked on their face with the legend: “[supplier's name] CONFIDENTIAL BUSINESS INFORMATION, SUBJECT TO PROTECTIVE ORDER,” or a comparable notice. Such information, whether submitted in writing or in oral testimony, shall be treated in accordance with the terms of this protective order.

(b). The Administrative Law Judge or the Commission may determine that information alleged to be confidential is not confidential, or that its disclosure is necessary for the proper disposition of the proceeding, before, during or after the close of a hearing herein. If such a determination is made by the Administrative Law Judge or the Commission, opportunity shall be provided to the supplier of such information to argue its confidentiality prior to the time of such ruling.

3. In the absence of written permission from the supplier or an order by the Commission or the Administrative Law Judge, any confidential documents or business information submitted in accordance with the provisions of paragraph 2 above shall not be disclosed to any person other than: (i) outside counsel for parties to this Investigation, including necessary secretarial and support personnel assisting such counsel; (ii) qualified persons taking testimony involving such documents or information and necessary stenographic and clerical personnel thereof; (iii) technical experts and their staff who are employed for the purposes of this litigation (unless they are otherwise

employed by, consultants to, or otherwise affiliated with a non-governmental party, or are employees of any domestic or foreign manufacturer, wholesaler, retailer, or distributor of the products, devices or component parts which are the subject of this Investigation); (iv) the Commission, the Administrative Law Judge, the Commission Investigative Staff, and personnel of any governmental agency as authorized by the Commission; and (v) the Commission, its employees, and contract personnel who are acting in the capacity of Commission employees, for developing or maintaining the records of this Investigation or related proceedings for which this information is submitted, or in internal audits and investigations relating to the programs and operations of the Commission pursuant to 5 U.S.C. Appendix 3.¹

4. Confidential business information submitted in accordance with the provisions of paragraph 2 above shall not be made available to any person designated in paragraph 3(i)² and (iii) unless he or she shall have first read this order and shall have agreed, by letter filed with the Secretary of this Commission: (i) to be bound by the terms thereof; (ii) not to reveal such confidential business information to anyone other than another person designated in paragraph 3; and (iii) to utilize such confidential business information solely for purposes of this Investigation.

5. If the Commission or the Administrative Law Judge orders, or if the supplier and all parties to the Investigation agree, that access to, or dissemination of information submitted as confidential business information shall be made to persons not included in paragraph 3 above, such matter shall only be accessible to, or disseminated to, such persons based upon the conditions pertaining to, and obligations arising from this order, and such persons shall be considered subject

¹ See Commission Administrative Order 97-06 (Feb. 4, 1997).

² Necessary secretarial and support personnel assisting counsel need not sign onto the protective order themselves because they are covered by counsel's signing onto the protective order.

to it, unless the Commission or the Administrative Law Judge finds that the information is not confidential business information as defined in paragraph 1 hereof.

6. Any confidential business information submitted to the Commission or the Administrative Law Judge in connection with a motion or other proceeding within the purview of this Investigation shall be submitted under seal pursuant to paragraph 2 above. Any portion of a transcript in connection with this Investigation containing any confidential business information submitted pursuant to paragraph 2 above shall be bound separately and filed under seal. When any confidential business information submitted in accordance with paragraph 2 above is included in an authorized transcript of a deposition or exhibits thereto, arrangements shall be made with the court reporter taking the deposition to bind such confidential portions and separately label them “[supplier’s name] CONFIDENTIAL BUSINESS INFORMATION, SUBJECT TO PROTECTIVE ORDER.” Before a court reporter or translator receives any such information, he or she shall have first read this order and shall have agreed in writing to be bound by the terms thereof. Alternatively, he or she shall sign the agreement included as Attachment A hereto. Copies of each such signed agreement shall be provided to the supplier of such confidential business information and the Secretary of the Commission.

7. The restrictions upon, and obligations accruing to, persons who become subject to this order shall not apply to any information submitted in accordance with paragraph 2 above to which the person asserting the confidential status thereof agrees in writing, or the Commission or the Administrative Law Judge rules, after an opportunity for hearing, was publicly known at the time it was supplied to the receiving party or has since become publicly known through no fault of the receiving party.

8. The Commission, the Administrative Law Judge, and the Commission Investigative

Staff acknowledge that any document or information submitted as confidential business information pursuant to paragraph 2 above is to be treated as such within the meaning of 5 U.S.C. § 552(b)(4) and 18 U.S.C. § 1905, subject to a contrary ruling, after hearing, by the Commission or its Freedom of Information Act Officer, or the Administrative Law Judge. When such information is made part of a pleading or is offered into the evidentiary record, the data set forth in 19 C.F.R. § 201.6 must be provided except during the time that the proceeding is pending before the Administrative Law Judge. During that time, the party offering the confidential business information must, upon request, provide a statement as to the claimed basis for its confidentiality.

9. Unless a designation of confidentiality has been withdrawn, or a determination has been made by the Commission or the Administrative Law Judge that information designated as confidential, is no longer confidential, the Commission, the Administrative Law Judge, and the Commission Investigative Staff shall take all necessary and proper steps to preserve the confidentiality of, and to protect each supplier's rights with respect to, any confidential business information designated by the supplier in accordance with paragraph 2 above, including, without limitation: (a) notifying the supplier promptly of (i) any inquiry or request by anyone for the substance of or access to such confidential business information, other than those authorized pursuant to this order, under the Freedom of Information Act, as amended (5 U.S.C. § 552) and (ii) any proposal to redesignate or make public any such confidential business information; and (b) providing the supplier at least seven days after receipt of such inquiry or request within which to take action before the Commission, its Freedom of Information Act Officer, or the Administrative Law Judge, or otherwise to preserve the confidentiality of and to protect its rights in, and to, such confidential business information.

10. If while the Investigation is before the Administrative Law Judge, a party to this order

who is to be a recipient of any business information designated as confidential and submitted in accordance with paragraph 2 disagrees with respect to such a designation, in full or in part, it shall notify the supplier in writing, and they will thereupon confer as to the status of the subject information proffered within the context of this order. If prior to, or at the time of such a conference, the supplier withdraws its designation of such information as being subject to this order, but nonetheless submits such information for purposes of the Investigation, such supplier shall express the withdrawal, in writing, and serve such withdrawal upon all parties and the Administrative Law Judge. If the recipient and supplier are unable to concur upon the status of the subject information submitted as confidential business information within ten days from the date of notification of such disagreement, any party to this order may raise the issue of the designation of such a status to the Administrative Law Judge who will rule upon the matter. The Administrative Law Judge may *sua sponte* question the designation of the confidential status of any information and, after opportunity for hearing, may remove the confidentiality designation.

11. No less than 10 days (or any other period of time designated by the Administrative Law Judge) prior to the initial disclosure to a proposed expert of any confidential information submitted in accordance with paragraph 2, the party proposing to use such expert shall submit in writing the name of such proposed expert and his or her educational and detailed employment history to the supplier. If the supplier objects to the disclosure of such confidential business information to such proposed expert as inconsistent with the language or intent of this order or on other grounds, it shall notify the recipient in writing of its objection and the grounds therefor prior to the initial disclosure. If the dispute is not resolved on an informal basis within ten days of receipt of such notice of objections, the supplier shall submit immediately each objection to the Administrative Law Judge for a ruling. If the Investigation is before the Commission the matter shall be submitted

to the Commission for resolution. The submission of such confidential business information to such proposed expert shall be withheld pending the ruling of the Commission or the Administrative Law Judge. The terms of this paragraph shall be inapplicable to experts within the Commission or to experts from other governmental agencies who are consulted with or used by the Commission.

12. If confidential business information submitted in accordance with paragraph 2 is disclosed to any person other than in the manner authorized by this protective order, the party responsible for the disclosure must immediately bring all pertinent facts relating to such disclosure to the attention of the supplier and the Administrative Law Judge and, without prejudice to other rights and remedies of the supplier, make every effort to prevent further disclosure by it or by the person who was the recipient of such information.

13. Nothing in this order shall abridge the right of any person to seek judicial review or to pursue other appropriate judicial action with respect to any ruling made by the Commission, its Freedom of Information Act Officer, or the Administrative Law Judge concerning the issue of the status of confidential business information.

14. Upon final termination of this Investigation, each recipient of confidential business information that is subject to this order shall assemble and return to the supplier all items containing such information submitted in accordance with paragraph 2 above, including all copies of such matter which may have been made. Alternatively, the parties subject to this order may, with the written consent of the supplier, destroy all items containing confidential business information and certify to the supplier (or his counsel) that such destruction has taken place. This paragraph shall not apply to the Commission, including its investigative attorney, and the Administrative Law Judge, which shall retain such material pursuant to statutory requirements and


for other recordkeeping purposes, but may destroy those additional copies in its possession which it regards as surplusage.

Notwithstanding the above paragraph, confidential business information may be transmitted to a district court pursuant to Commission Rule 210.5(c).

15. If any confidential business information which is supplied in accordance with paragraph 2 above is supplied by a nonparty to this Investigation, such a nonparty shall be considered a "supplier" as that term is used in the context of this order.

16. Each nonparty supplier shall be provided a copy of this order by the party seeking information from said supplier.

17. The Secretary shall serve a copy of this order upon all parties.


E. James Gildea
Administrative Law Judge

Attachment A

NONDISCLOSURE AGREEMENT FOR REPORTER/STENOGRAPHER/TRANSLATOR

I, _____, do solemnly swear or affirm that I will not divulge any information communicated to me in any confidential portion of the Investigation or hearing in the matter of Certain Electronic Devices with Communication Capabilities, Components Thereof, and Related Software, Investigation No. 337-TA-808, except as permitted in the Protective Order issued in this case. I will not directly or indirectly use, or allow the use of such information for any purpose other than that directly associated with my official duties in this case.

Further, I will not by direct action, discussion, recommendation, or suggestion to any person reveal the nature or content of any information communicated during any confidential portion of the Investigation or hearing in this case.

I also affirm that I do not hold any position or official relationship with any of the participants in said Investigation.

I am aware that the unauthorized use or conveyance of information as specified above is a violation of the Federal Criminal Code and punishable by a fine of up to \$10,000, imprisonment of up to ten (10) years, or both.

Signed

Dated

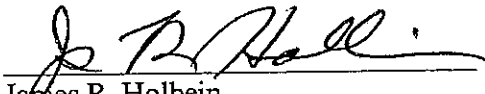
Firm or affiliation

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

337-TA-808

PUBLIC CERTIFICATE OF SERVICE

I, James R. Holbein, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Attorney, **Whitney Winston, Esq.**, and the following parties as indicated on **September 30, 2011**.


James R. Holbein
Secretary to the Commission
U.S. International Trade Commission
500 E Street, SW, Room 112A
Washington, D.C. 20436

ON BEHALF OF COMPLAINANT HTC CORP.:

Thomas L. Jarvis, Esq.
**FINNEGAN HENDERSON
FARABOW GARRETT & DUNN**
901 New York Ave. #1150
Washington, DC 20001
P: 202-408-4000

() Via Hand Delivery
() Via Overnight Mail
(x) Via First Class Mail
() Other: _____

ON BEHALF OF RESPONDENT APPLE INC.:

Michael J. McKeon, Esq.
FISH & RICHARDSON P.C.
1425 K Street NW, 11th Floor
Washington, DC 20005
P: 202-753-5070

() Via Hand Delivery
() Via Overnight Mail
(x) Via First Class Mail
() Other: _____

PUBLIC MAILING LIST

Heather Hall
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() Via Hand Delivery
() Via Overnight Mail
(x) Via First Class Mail
() Other: _____

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

337-TA-808

Kenneth Clair
THOMSON WEST
1100 13th Street, NW, Suite 200
Washington, DC 20005

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

EXHIBIT 2

Documents or Other Property to be Produced by Cambridge Silicon Radio International, PLC

DEFINITIONS

1. "CSR England" means Cambridge Silicon Radio International PLC and each predecessor, successor, division, subsidiary, parent or related company thereof.
2. "HTC" means HTC Corp. and each predecessor, successor, division, subsidiary, parent or related company thereof.
3. "You," "your," or "yours" means CSR England.
4. "The '414 Patent" shall mean U.S. Patent No. 7,765,414, entitled "Circuit and Operating Method for Integrated Interface of PDA and Wireless Communication System" and issued on July 27, 2010.
5. "The '944 Patent" shall mean U.S. Patent No. 7,417,944, entitled "Method For Orderwire Modulation" and issued on August 26, 2008.
6. "The '219 Patent" shall mean U.S. Patent No. 7,672,219, entitled "Multipoint-to-Point Communication Using Orthogonal Frequency Division Multiplexing" and issued on March 2, 2010.
7. "The '214 Patent" shall mean U.S. Patent No. 6,708,214, entitled "Hypermedia Identifier Input Mode for a Mobile Communication Device" and issued March 16, 2004.
8. "The '006 Patent" shall mean U.S. Patent No. 6,473,006, entitled "Method and Apparatus for Zoomed Display of Characters Entered From a Telephone Keypad" and issued October 29, 2002.

9. "The '772 Patent" shall mean U.S. Patent No. 7,289,772, entitled "Technique Allowing a Status Bar User Response On A Portable Device Graphic User Interface" and issued October 30, 2007.

10. "The '283 Patent" shall mean U.S. Patent No. 6,868,283, entitled "Technique Allowing a Status Bar User Response on a Portable Device Graphic User Interface" and issued March 15, 2005.

11. "The '849 Patent" shall mean U.S. Patent No. 7,020,849, entitled "Dynamic Display for Communication Devices" issued March 28, 2006.

12. "HTC Patents-In-Suit" shall mean the '414 Patent, the '944 Patent, the '219 Patent, the '214 Patent, the '006 Patent, the '772 Patent, the '283 Patent and the '849 Patent.

13. "Complaint" shall mean the Complaint under Section 337 of the Tariff Act of 1930, As Amended of HTC Corp, filed September 7, 2011 including, and as supplemented by, a letter from counsel for HTC Corp to the Honorable James R. Holbein, dated September 23, 2011.

14. "Present Proceedings" shall mean *In the Matter of Certain Electronic Devices with Communication Capabilities, Components Thereof, and Related Software*, ITC Inv. No. 337-TA-808.

15. "Document" is defined broadly to be given the full scope of that term contemplated in United States Federal Rule of Civil Procedure 34, and includes all tangible things, all originals (or, if originals are not available, identical copies thereof), all non-identical copies of a document, all drafts of final documents, all other written, printed, or recorded matter of any kind, and all other data compilations from which information can be obtained and translated if necessary, that are or have been in your actual or constructive possession or control, regardless of the medium on which they are produced, reproduced, or stored (including

without limitation computer programs and files containing requested information), and any recording or writing, as these terms are defined in Rule 1001, United States Federal Rules of Evidence. Any document bearing marks, including without limitation, initials, stamped initials, comments, or notations not a part of the original text or photographic reproduction thereof, is a separate document.

16. "Person" means any individual or firm, association, joint venture, trust, partnership, corporation, or other collective organization or entity.

17. "Product" means a machine, manufacture, apparatus, device, instrument, mechanism, appliance, or assemblage of components/parts (either individually or collectively), which are designed to function together electronically, mechanically, chemically, or otherwise, to achieve a particular function or purpose, including those offered for sale, sold, or under development.

18. "Relating to" and "relate to" include referring to, concerning, alluding to, responding to, connected with, commenting on, in respect of, about, regarding, explaining, supporting, discussing, showing, describing, reflecting, analyzing, constituting, or setting forth.

19. "Any" and "all" shall be construed to mean both any and all.

20. The words "and" and "or" shall be construed conjunctively or disjunctively, whichever makes the request most inclusive.

21. The singular form of a word should be interpreted in the plural as well.

22. "PDA" means Personal Digital Assistant, and, for purposes of this request, should be read to include systems that access, store, and organize information including, without limitation, systems that provide telephone number lists and/or calendars.

23. "Integrated PDA/Wireless Product" refers to any product including an integrated PDA system and wireless communication system that was publicly displayed, demonstrated, released, sold or offered for sale on or before April 2003 including, without limitation, products that uses CSR England's BlueCore™ 01 chip.

24. "Mobile Device" means any portable electronic device, including but not limited to, cell phones, smart phones, handheld computers, and PDAs.

25. "HTC Mobile Device" means any Mobile Device sold or offered for sale by HTC.

INSTRUCTIONS

1. If you withhold from production any document or part thereof based upon a claim of privilege or any other claim, describe the nature and basis of your claim and the information withheld in a manner sufficient to:

- (a) disclose the facts upon which you rely in asserting your claim;
- (b) permit the grounds and reasons for withholding the information to be identified unambiguously; and
- (c) permit the information withheld to be identified unambiguously.

2. All documents requested are to be produced in the same file or other organizational environment in which they are maintained in the normal course of business. For example, a document that is part of a file, docket, or other grouping, should be physically produced together with all other documents from said file, docket or grouping, in the same order or manner of arrangement as the original.

3. These requests seek documents in their original language and, if such original language is not English, any English-language translations that may exist for any such documents.

DOCUMENT REQUESTS

CSR England is requested to produce the following:

1. The first invoice issued by or for CSR England identifying the sale of a BlueCore™ 01 chip in the United States;
2. The first delivery note issued by or for CSR England identifying a delivery of a BlueCore™ chip into the United States;
3. [Documents sufficient to show when CSR England's BlueCore™ 01 chip was first publicly displayed, demonstrated, released, sold or offered for sale in the United States.]
4. The first invoice issued by or for CSR England identifying the sale of an Integrated PDA/Wireless Product using CSR England's BlueCore™ 01 chip in the United States.
5. The first delivery note issued by or for CSR England identifying a delivery of an Integrated PDA/Wireless Product using CSR England's BlueCore™ 01 chip into the United States.
6. Documents sufficient to show the date when any Integrated PDA/Wireless Product using CSR England's BlueCore™ 01 chip was first publicly displayed, demonstrated, released, sold or offered for sale in the United States.
7. Documents sufficient to show the structure, operation, and implementation of any pins, interfaces, connections, signal lines, buses and/or ports of any components of CSR England's BlueCore™ 01 chip, including but not limited to user guides, data sheets, developer's manuals, service manuals, developer board user guides, articles, presentations, memoranda, technical reports, specifications, schematics, diagrams, flow charts, reference designs, design guides, and application notes.

8. Documents sufficient to show the structure, operation, and implementation of any audio data, control signals, status signals, or any other information communicated between the PDA system and CSR England's BlueCore™ 01 chip in the first Integrated PDA/Wireless Product implementing CSR England's BlueCore™ 01 chip that was publicly displayed, demonstrated, released, sold or offered for sale in the United States.

9. Documents sufficient to show the structure, operation, and implementation of any audio data, control signals, status signals, or any other information communicated between the PDA system and CSR England's BlueCore™ 01 chip in each Integrated PDA/Wireless Product.

10. Documents sufficient to identify the first Mobile Device that incorporated CSR England's BlueCore™ 01 chip for use in providing PDA functionality and/or wireless communication that was publicly displayed, demonstrated, released, sold or offered for sale in the United States.

11. Documents sufficient to identify any of CSR England's products incorporated into HTC Mobile Devices for use in providing PDA functionality and/or wireless communication.

12. Documents sufficient to show the structure, operation, and implementation of any pins, interfaces, connections, signal lines, buses and/or ports of each CSR England product that is incorporated into HTC Mobile Devices for use in providing PDA functionality and/or wireless communication, including but not limited to data sheets, developer's manuals, service manuals, developer board user guides, articles, presentations, memoranda, technical reports, specifications, schematics, diagrams, flow charts, and reference designs.

13. Documents sufficient to show the structure, operation, and implementation of any audio data, control signals, status signals, or any other information intended to be communicated

to or from each CSR England product that is incorporated into Mobile Devices for use in providing PDA functionality and/or wireless communication.

14. Documents sufficient to show the structure, operation, and implementation of the turning on and resetting processes of each CSR England product that is incorporated into Mobile Devices for use in providing PDA functionality and/or wireless communication.

15. Documents constituting or evidencing communications with HTC regarding the HTC Patents-In-Suit, the Complaint, or the Present Proceedings.

EXHIBIT 3

Topics for the Deposition of Specified Officers of Cambridge Silicon Radio International, PLC

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without limitation computer programs and files containing requested information), and any recording or writing, as these terms are defined in Rule 1001, United States Federal Rules of Evidence. Any document bearing marks, including without limitation, initials, stamped initials, comments, or notations not a part of the original text or photographic reproduction thereof, is a separate document.

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24. "Mobile Device" means any portable electronic device, including but not limited to, cell phones, smart phones, handheld computers, and PDAs.

25. "HTC Mobile Device" means any Mobile Device sold or offered for sale by HTC.

DEPOSITION TOPICS

The specific Cambridge Silicon Radio International, PLC officers believed to be most knowledgeable about the deposition topics are identified with each topic.

1. The date when the CSR England BlueCore™ 01 chip was first publicly displayed, demonstrated, released, sold or offered for sale in the United States. (Mr. Joep van Beurden, Chief Executive Officer)

2. The date when any Integrated PDA/Wireless Product using CSR England's BlueCore™ 01 chip was first publicly displayed, demonstrated, released, sold or offered for sale in the United States. (Mr. Joep van Beurden, Chief Executive Officer)

3. The whereabouts of any documents not produced pursuant to the Document Requests in Exhibit 2. (Mr. Brett Gladden, Company Secretary)

4. The identification of all documents relevant to the topics herein. (Mr. Brett Gladden, Company Secretary)

5. The authenticity, source and meaning of the documents produced by CSR England in response to this request. (Mr. Brett Gladden, Company Secretary)

6. The date when each Integrated PDA/Wireless Product that incorporated CSR England's BlueCore™ 01 chip was first publicly displayed, demonstrated, released, sold or offered for sale in the United States. (Mr. Joep van Beurden, Chief Executive Officer)

7. The structure, function and operation of any pins, interfaces, connections, signal lines, buses and/or ports of any components of CSR England's BlueCore™ 01 chip, including but not limited to descriptions contained in any user guides, data sheets, developer's manuals, service manuals, developer board user guides, articles, presentations, memoranda, technical reports, specifications, schematics, diagrams, flow charts, reference designs, design guides, and application notes. (Mr. Christopher Ladas, Operations Director)

8. The structure, function, and operation of each Mobile Device product that incorporated CSR England's BlueCore™ 01 chip for use in providing PDA functionality and/or wireless communication. (Mr. Christopher Ladas, Operations Director)

9. The structure, function, and operation of each CSR England product that is incorporated into HTC Mobile Devices for use in providing PDA functionality and/or wireless communication. (Mr. Christopher Ladas, Operations Director)

10. The structure, function, and operation of any pins, interfaces, connections, signal lines, buses and/or ports of any components of each CSR England product that is incorporated into Mobile Devices for use in providing PDA functionality and/or wireless communication, including but not limited to descriptions contained in any data sheets, developer's manuals, service manuals, developer board user guides, articles, presentations, memoranda, technical reports, specifications, schematics, diagrams, flow charts, and reference designs. (Mr. Christopher Ladas, Operations Director)

11. The manner in which audio data, control signals, status signals, or any other information is to be communicated to or from each CSR England product that is incorporated into Mobile Devices for use in providing PDA functionality and/or wireless communication. (Mr. Christopher Ladas, Operations Director)

12. Turning on and resetting processes of each CSR England product that is incorporated into Mobile Devices for use in providing PDA functionality and/or wireless communication. (Mr. Christopher Ladas, Operations Director)

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