UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

Before the Honorable Theodore R. Essex
Administrative Law Judge

In the Matter of **CERTAIN HANDHELD ELECTRONIC COMPUTING DEVICES, RELATED SOFTWARE, AND COMPONENTS THEREOF**	**Investigation No. 337-TA-769**

JOINT UNOPPOSED MOTION TO TAKE CERTAIN DEPOSITIONS
AFTER THE CLOSE OF GENERAL FACT DISCOVERY

Pursuant to Commission Rule 210.15, Ground Rule 3 and Order No. 4, Complainant Microsoft Corporation ("Microsoft") and Respondents Barnes & Noble, Inc. and barnesandnoble.com LLC (collectively, "Barnes & Noble") hereby jointly move for leave to take the depositions of three Barnes & Noble witnesses on issues other than patent misuse after the close of general fact discovery.

On October 21, 2011, Your Honor extended fact discovery on the issue of patent misuse from November 14, 2011 until December 14, 2011. Prior to the close of fact discovery for non-misuse issues, Microsoft identified three Barnes & Noble witnesses—Tony Astarita, Ravi Gopalakrishan and Ken Tough—that it wanted to depose for both patent misuse and other issues that are relevant to this Investigation. In order to accommodate the witnesses' limited availability, the depositions of Tony Astarita, Ravi Gopalakrishan and Ken Tough have been scheduled for November 16, 2011, November 29, 2011 and December 1, 2011, respectively.

Barnes & Noble already has agreed that Microsoft may ask these three witnesses questions about patent misuse issues as well as other issues related to this Investigation. Since the questions on other issues of this Investigation would fall outside of the close of fact discovery

as to those issues, the purpose of this motion is to make sure that Your Honor is aware of and approves of this agreement.

Pursuant to Ground Rule 3.2, Microsoft and Barnes & Noble certify that on November 8, 2011, Respondent Inventec Corporation and the Commission Investigative Attorney were contacted regarding this motion. Respondent Inventec Corporation indicated it would not oppose this motion. The Commission Investigative Attorney also indicated that the Office of Unfair Import Investigations would not oppose this motion.

For the reasons set forth above, Microsoft and Barnes & Noble respectfully request leave to allow Barnes & Noble witnesses Tony Astarita, Ravi Gopalakrishan and Ken Tough to be deposed on patent misuse as well as other issues related to this Investigation after the close of general fact discovery.

Dated: November 14, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **JOINT UNOPPOSED MOTION TO TAKE CERTAIN DEPOSITIONS AFTER THE CLOSE OF GENERAL FACT DISCOVERY** was served to the parties, in the manner indicated below, this 14th day of November 2011:

The Honorable James R. Holbein Secretary U.S. INTERNATIONAL TRADE COMMISSION 500 E Street, S.W., Room 112A Washington, DC 20436	☒ VIA ELECTRONIC FILING ☒ VIA HAND DELIVERY
The Honorable Theodore R. Essex Administrative Law Judge U.S. INTERNATIONAL TRADE COMMISSION 500 E Street, S.W., Room 317N Washington, DC 20436	☒ VIA HAND DELIVERY
Jeffrey Hsu Office of Unfair Import Investigations U.S. INTERNATIONAL TRADE COMMISSION 500 E Street, S.W., Room 404-J Washington, DC 20436	☐ VIA HAND DELIVERY ☒ VIA ELECTRONIC MAIL
Counsel for Respondents Barnes & Noble, Inc. and barnesandnoble.com LLC and Inventec Corporation	
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Counsel for Respondents Foxconn Electronics, Inc., Foxconn Precision Component (Shen Zhen) Co. Ltd., Foxconn International Holdings Ltd. and Hon Hai Precision Industry Co., Ltd

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