

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

**NON-PARTY GOOGLE INC.'S OPPOSITION TO COMPLAINANT MICROSOFT
CORP.'S MOTION TO CERTIFY TO THE COMMISSION A REQUEST FOR
JUDICIAL ENFORCEMENT OF SUBPOENAS (MOT. NO. 769-029)**

Non-party Google Inc. opposes Complainant Microsoft Corp.'s motion to certify to the Commission a request for judicial enforcement of subpoenas *duces tecum* and *ad testificandum* (Mot. No. 769-029).

Microsoft's motion should be denied on multiple grounds. As an initial matter, Microsoft has not complied with Ground Rule 3.5 because it did not arrange a telephone conference with the ALJ and Google before filing its motion. The motion should be summarily denied on that ground alone.

Even had Microsoft complied with the Ground Rules, however, its motion fails because it goes far beyond the threshold for reasonable third-party discovery in Section 337 investigations. The Requests and Topics at issue do not seek relevant information, impermissibly intrude on the attorney-client privilege and work-product protection, and call for highly sensitive internal documents describing Google's legal strategies for responding to Microsoft's assertions that its patents are infringed by Google's open source Android operating system. Microsoft's motion

would have Google turn over its entire strategy for defending the Android operating system to the very lawyers attacking that system.

Google has worked with Microsoft to narrow the scope of the subpoenas, and has agreed to provide information responsive to most of its Requests and Topics. Google has already begun producing documents. Nevertheless, Google cannot agree to produce to Microsoft irrelevant information and information concerning its strategies for responding to Microsoft's patents and patent infringement claims.

BACKGROUND

I. MICROSOFT ACCUSES PRODUCTS THAT USE THE PUBLICLY AVAILABLE, OPEN-SOURCE ANDROID OPERATING SYSTEM

Microsoft has alleged that Barnes & Noble's Nook e-reader infringes certain patents. The Nook uses an open-source mobile operating system made available by Google. Android is publicly available under a free and open source software license, and the source code is published publicly. (*See* Microsoft Ex. N.) Barnes & Noble has not entered into any licensing or distribution agreements with Google. Device manufacturers, such as the Respondents in this investigation, are free to use Android and change it as they see fit, without Google's knowledge or approval. (*See id.*)

II. MICROSOFT SERVES GOOGLE WITH OVERLY BROAD SUBPOENAS SEEKING PRIVILEGED INFORMATION

On October 5, 2011, Microsoft served Google with subpoenas *duces tecum* and *ad testificandum*. Despite Google's lack of any unique knowledge concerning the operation of the accused products, Microsoft emphasized in its application for the subpoenas that the discovery it seeks is relevant to the Respondents' patent-misuse defense. Microsoft claimed that information from Google is relevant to determining the "anticompetitive effects" of Microsoft's conduct on mobile devices. Microsoft has, however, not cited any authority that the type of evidence it

seeks is relevant to that inquiry. Further, Microsoft has not explained: (1) what efforts Microsoft has made, if any, to obtain the requested information from parties to the investigation, such as Barnes & Noble; (2) whether Microsoft has served subpoenas on original equipment manufacturers (“OEMs”), the entities that are actual competitors in mobile devices and decide which mobile operating systems to employ; or (3) whether Microsoft has served subpoenas on companies that provide other mobile operating systems, such as Apple, RIM, Hewlett Packard, or Nokia.

Despite the lack of any reasonable explanation of relevance, Microsoft’s subpoenas broadly seek information regarding Google’s privileged legal and highly confidential strategies related to Android, including: (1) Google’s strategy concerning the “actual or potential impact, on Android distribution of patents held by Microsoft;” (2) Google’s strategy concerning “patent infringement lawsuits by Microsoft related to Android” and “public claims by Microsoft or Microsoft executives or employees that Android infringes Microsoft patents”; and (3) “strategy discussions . . . of competing mobile operating systems from Microsoft.” Notably, the subpoena application is signed by the same Microsoft attorneys that are pursuing parallel patent litigation against other Android handset providers.¹

III. GOOGLE AGREES TO REASONABLE DISCOVERY

Google and Microsoft met and conferred telephonically to discuss narrowing the scope of the subpoena on October 17, 2011 and exchanges several emails. (*See* Microsoft Exs. C-E & G-M.) Google also served objections. (Microsoft Ex. F.) As a result, the parties were able to come to several agreements. Subject to certain limitations agreed to by Microsoft, Google agreed to

¹ *See, e.g., Microsoft Corp. v. Motorola Mobility, Inc.*, 2:10-cv-1823 (W.D. Wash.); *Certain Mobile Devices, Associated Software, and Components Thereof*, Inv. No. 337-TA-744.

produce documents responsive to the majority of Microsoft's Requests (and a witness to testify regarding corresponding Topics), including:

Request For Production No. 1: All documents reflecting or relating to communications with Barnes & Noble regarding the Microsoft Patents or Other Identified Patents.

Request For Production No. 2: All documents reflecting or relating to communications with Barnes & Noble regarding license negotiations between Barnes & Noble and Microsoft

Request For Production No. 3: All agreements between Google and Barnes & Noble relating to Android, and all documents reflecting or relating to communications with Barnes & Noble regarding Android distribution or licenses.

Request For Production No. 7: All documents reflecting or relating to business discussions with Barnes & Noble regarding the actual or potential impact, on Android distribution, of actual, potential, or threatened patent infringement lawsuits.

Request For Production No. 9: All documents reflecting or relating to Google's contemplation of, or business discussions with Barnes & Noble concerning, indemnification for patent infringement claims related to deployment of Android by Barnes & Noble.

Request For Production No. 10: All documents reflecting or relating to Google's contemplation of, or business discussion with device manufacturers concerning, indemnification for patent infringement claims related to deployment of Android by device manufacturers.

Request For Production No. 11: All documents reflecting or relating to Google's contemplation of, or business discussions with Barnes & Noble concerning, designing, redesigning, altering, withholding, or removing Android features to avoid infringing patents, respond to patent infringement claims or assertions, or respond to negotiations over patent licenses.

Request For Production No. 12: All documents reflecting or relating to Google's contemplation of, or business discussions with device manufacturers concerning, designing, redesigning, altering, withholding, or removing Android features to avoid infringing patents, respond to patent infringement claims or assertions, or respond to negotiations over patent licenses.

Request For Production No. 17: All documents reflecting or relating to historical and projected unit shipments, for the United States and worldwide, for Android or other operating systems.

Google, however, has not and cannot agree to produce information in response to the Requests and Topics at issue in Microsoft's motion, all of which call for either irrelevant information or Google's analysis of and strategies for responding to Microsoft's patents and patent infringement allegations.

IV. MICROSOFT FAILS TO COMPLY WITH THE GROUND RULES

Following Google and Microsoft's meet and confer pursuant to Ground Rule 3.2, Microsoft moved to enforce the subpoena. Microsoft did not, however, comply with Ground Rule 3.5. It did not schedule a telephone conference with the ALJ in an attempt to resolve the dispute. Nor, to Google's knowledge, did Microsoft submit a written explanation to the attorney advisor concerning the nature of the dispute. Instead of exhausting the meet-and-confer requirements of the Ground Rules, Microsoft prematurely filed this motion seeking enforcement.

ARGUMENT

Commission Rule 210.32(g), which governs requests for judicial enforcement, reads as follows:

In order to obtain judicial enforcement of a subpoena issued under paragraphs (a)(3) or (c)(2) of this section, the administrative law judge shall certify to the Commission, on motion or sua sponte, a request for such enforcement. The request shall be accompanied by copies of relevant papers and a written report from the administrative law judge concerning the purpose, relevance, and reasonableness of the subpoena. The Commission will subsequently issue a notice stating whether it has granted the request and authorized its Office of the General Counsel to seek such enforcement.

Because motions under Commission Rule 210.32(g) seek to have the ALJ recommend further action by the Commission and, ultimately, the federal court(s), the moving papers must make the "requisite showings of purpose, relevance and reasonableness" of the subpoena(s).²

² See *Certain NOR and NAND Flash Memory Devices and Products Containing Same*, Inv. No. 337-TA-560, Order No. 31 at 3 (Oct. 11, 2006) ("*NOR and NAND Flash Memory Devices*") (denying request for judicial enforcement where non-party has "not . . . flatly refused

Microsoft's motion fails to meet the standard for enforcement on multiple grounds.

Microsoft has not complied with Ground Rule 3.5 because it has never attempted to schedule a teleconference with the ALJ. Despite Microsoft's failure, Google has made reasonable efforts to produce relevant, non-privileged information. Nevertheless, the Requests and Topics that are the basis for Microsoft's motion improperly seek privileged information that is not relevant to the Respondents' patent-misuse defense or any other issue in this investigation.

I. MICROSOFT HAS NOT COMPLIED WITH GROUND RULE 3.5

Microsoft's motion should be denied because it is in violation of the Ground Rules.

Ground Rule 3.5 provides:

Prior to filing any written motion related to discovery, the party intending to file such motion shall meet and confer with opposing counsel and make a reasonable, good-faith effort to resolve the matter with the opposing parties, *i.e.*, the parties must comply with Ground Rule 3.2. ***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.*** At least one full business day prior to the conference call, the party intending to file the motion shall submit a written explanation, either via e-mail to the attorney advisor or other written correspondence, as to the nature of the discovery dispute. This written communication is not a motion or a pleading, it is simply an informational communication so that administrative law judge is aware of the nature of the discovery dispute prior to the telephone conference. Prior to contacting the attorney advisor, the party should determine the availability of the other parties for a telephone conference. The party initiating the telephone conference should arrange to have the conference transcribed.

(bold and italics added; underlining in original.) Failure to comply with Ground Rule 3.5 is alone a sufficient basis for denying Microsoft's Motion. Microsoft and its counsel are well-aware of this rule. Earlier this year, the ALJ denied a motion by Microsoft to compel due to its

to comply with a subpoena," where non-party "is in negotiations . . . to fully comply," and where non-party produced documents agreed to a deposition); *Certain Cigarettes and Packaging Thereof*, Inv. No. 337-TA-424, Order No. 50 at 2 (Feb. 18, 2000) (denying request for judicial enforcement of subpoena and noting that a successful motion "provide sufficient detail for a full and thorough evaluation of the purpose, relevance and reasonableness of the subpoena").

failure to comply with Ground Rule 3.5. *Certain Mobile Devices, Associated Software, and Components Thereof*, 337-TA-744, Order No. 11, 2011 WL 3204850 (July 12, 2011) (“Further, Microsoft does not explain why it failed to participate in a telephone conference with the ALJ to attempt to resolve this dispute as required by Ground Rule 3.5.”).

Despite the ALJ’s prior admonishment, Microsoft has again failed to comply with Ground Rule 3.5 because it never attempted to schedule a telephone conference with the ALJ or contact Google regarding a Ground Rule 3.5 telephone conference. Nor, to the best of Google’s knowledge, has Microsoft ever sent a written explanation of the dispute to the attorney advisor. Microsoft’s motion should therefore be denied.

II. GOOGLE WILL PRODUCE DOCUMENTS AND A WITNESS TO TESTIFY ON MANY OF MICROSOFT’S REQUESTS AND TOPICS.

Microsoft’s motion should be denied because Google has agreed to reasonable limitations on Microsoft’s subpoenas. Google does not seek to avoid responding to Microsoft’s subpoenas in their entirety. “[T]his is not a case where a third-party has flatly refused to comply with a subpoena.” *NOR and NAND Flash Memory Devices*, Order No. 31 at 3 (denying motion to request judicial enforcement of subpoena). This is also not a case “where a third-party receives a subpoena and simply ignores it, believing that the Commission’s subpoenas are rarely enforced so that there is little incentive for them to produce relevant information” *Id.*, Order No. 21 at 5 (Aug. 15, 2006) (denying motion to request judicial enforcement of subpoena). Instead, Google has met and conferred with Microsoft and has agreed to make a meaningful production of responsive documents and to provide a witness to testify at a deposition. *See Certain Personal Data and Mobile Communications Devices and Related Software*, Inv. No. 337-TA-710, Order No. 48 at 1-2 (Nov. 28, 2010) (denying motion seeking judicial enforcement of subpoenas where third party “is committed to producing documents” and “is willing to produce

witnesses” for deposition). As stated, Google has already begun producing documents responsive to many of Google’s Requests and agreed to provide a representative to testify on its behalf on the corresponding Topics. The facts at hand do not approach those required to initiate the enforcement process.

III. MICROSOFT’S OVERLY BROAD REQUESTS AND TOPICS SEEK IRRELEVANT INFORMATION

Microsoft’s motion should be denied because much of the information that Microsoft seeks is not relevant to any disputed issue in this investigation. Discovery is permissible only to the extent that it is “not unreasonable or unduly burdensome or expensive.” 19 C.F.R. § 210.27(d)(2)(iii). In other words, “[e]ven if relevant, discovery is not permitted where no need is shown, or compliance would be unduly burdensome, or where harm to the person from whom discovery is sought outweighs the need of the person seeking discovery of the information.” *Micro Motion, Inc. v. Kane Steel Co.*, 894 F.2d 1318, 1323 (Fed. Cir. 1990). “Commission rules 210.34(a) and 210.34(a)(7) provide that the administrative law judge may make ‘any order that may appear necessary and appropriate for the protection of the public interest’ and has the authority, ‘when justice requires,’ to protect a party or person from ‘annoyance, embarrassment, oppression, or undue burden or expense.’”³ Non-parties are typically afforded deference not afforded to parties in the balancing of benefits and burdens.⁴ Microsoft’s motion does not meet this standard.

³ *Certain Set-Top Boxes and Components Thereof*, Inv. No. 337-TA-454, Order No. 16 at 1-2 (July 2, 2001) (citing *Katz v. Batavia Marine & Sporting Supplies, Inc.*, 984 F.2d 422, 424 (Fed. Cir. 1993); 19 C.F.R. §§ 210.34(a), 210.34(a)(7)).

⁴ *See, e.g., Cusumano v. Microsoft Corp.*, 162 F.3d 708 (1st Cir. 1998) (“Although discovery is by definition invasive, parties to a lawsuit must accept its travails as a natural concomitant of modern civil litigation. Non-parties have a different set of expectations. Accordingly, concern for the unwanted burden thrust upon non-parties is a factor entitled to special weight in evaluating the balance of competing needs.”).

Microsoft's subpoena states that discovery from Google is relevant to the defense of patent misuse. The "basic rule of patent misuse" is "that the patentee may exploit his patent but may not 'use it to acquire a monopoly not embraced in the patent.'" *Princo Corp. v. Int'l Trade Comm'n*, 616 F.3d 1318, 1327 (Fed. Cir. 2010) (quoting *Transparent-Wrap Mach. Corp. v. Stokes & Smith Co.*, 329 U.S. 637, 643 (1947)). The Respondents have pled that Microsoft is improperly leveraging its patents to eliminate competition with its own Windows Phone 7 mobile device operating system. Microsoft's Requests and Topics, however, bear little or no relation to those allegations.

Microsoft's Requests and Topics call for information far beyond any arguable relevance to the patent-misuse defense. Instead of seeking information that might demonstrate or refute an anti-competitive effect on a relevant market, Microsoft generally seeks Google's subjective opinions and responses to Microsoft's actions, or Google's analysis of Microsoft's own products. Microsoft has not even limited its Requests and Topics to the patents asserted in this investigation; instead it seeks discovery on Google's analysis of its entire patent portfolio. The Requests and Topics bear no reasonable relationship to Microsoft's purported justification for subpoenaing Google.

A. Microsoft Has Not Limited Its Requests and Topics to the Asserted Patents

Microsoft's Requests and Topics bear little relationship to the Respondents' patent misuse defense because Microsoft seeks discovery related to any Microsoft patent, not merely the patents at issue in this investigation. Microsoft's Requests and Topics call for documents and testimony related to *any* of Microsoft's thousands of patents. (*See, e.g.*, Requests and Topics 4 and 6. (calling for information related to "patents held by Microsoft" and "Microsoft's patents").) Other Requests and Topics call for information related to potential lawsuits related to

Android that Microsoft could bring on *any* of those thousands of patents. (*See, e.g.* Request and Topic 5 (calling for information related to any potential patent lawsuits by Microsoft related to Android).) Yet Microsoft has cited no authority that misuse of unrelated patents could be a defense in this investigation.

B. Microsoft’s Requests and Topics Seek Irrelevant Information Related to Google’s Subjective Opinions

Many of the disputed Requests and Topics improperly seek information related to Google’s subjective opinions. For example, Requests and Topics 4, 5, and 6 seek Google’s “assessments” and “strategy” of how Microsoft’s patents, patent litigation, and threats of patent litigation impact Android distribution. Request and Topic 16 seek Google’s analysis of Microsoft’s mobile operating system. Google’s subjective assessment and strategy is not relevant to whether Microsoft has misused its patents. Microsoft itself contends that the relevant issue is the “anticompetitive effect” of Microsoft’s actions (Motion at 5), not Google’s subjective “strategy” or “assessment” of those actions or Microsoft’s operating system. Indeed, there is no reason why Microsoft would need Google’s assessment of Microsoft’s own mobile operating system. Despite Google’s request, Microsoft has not cited any authority holding that a company’s subjective “strategy” or “assessment” is relevant to the anticompetitive effect on a market. Microsoft has therefore not demonstrated that these Requests and Topics seek relevant information.

C. Microsoft Seeks Irrelevant Information Concerning Android’s Capability as a Personal Computer Operating System

Microsoft’s Request and Topic 15 inexplicably seek information as to whether Android is a “personal computer operating system.” Microsoft fails to explain why Android’s capability as a personal computer operating system (if any), as opposed to mobile device operating system is relevant to the patent-misuse defense. The Android source code is publicly available. Microsoft

is perfectly capable of examining that code and assessing Android's capability to serve as a personal computer operating system. Microsoft's attempt to shift that burden to Google by requiring Google to prepare a witness on this Topic is improper. The Request and Topic therefore bear no relationship to the patent-misuse defense and are overly burdensome.

D. Microsoft's Subpoenas Are a Pretext to Obtain Google's Business and Legal Strategies

Microsoft's subpoenas are an attempt to peer into Google's operations; they are not an attempt to obtain evidence related to anticompetitive effects. Google is not a smartphone or tablet developer. Instead, Google provides a free, open-source operating system that OEMs can use in their devices. Relevant evidence regarding the impact of Microsoft's anticompetitive practices can more readily be obtained from OEMs, the companies that actually decide which operating systems are used on various devices. Additionally, since OEMs, not Google, actually distribute mobile devices, they are the proper entities from whom to seek evidence regarding the impact of Microsoft's practices on the distribution of mobile devices.

The improper nature of Microsoft's Requests and Topics is underscored by the individuals from whom Microsoft has asked Google to collect documents. Microsoft alleges that it "narrowed" its Requests to seek collection of documents from five individuals – four of whom are high ranking Google executives. If Microsoft was truly interested in evidence from Google regarding the impact of Microsoft's practices on the distribution of devices using Android, it would have sought discovery from individuals at Google that work with the OEMs that distribute devices using Android, not high ranking executives. Based on the scope of Microsoft's Requests and Topics, and the custodians identified, Microsoft is attempting to use this investigation to review Google's sensitive business documents rather than seek evidence related to Barnes & Noble's patent-misuse defense.

IV. THE VAST MAJORITY OF MICROSOFT'S REQUESTS SEEK PRIVILEGED COMMUNICATIONS OR ATTORNEY WORK PRODUCT

The bulk of the disputed Requests and Topics seek Google's legal analysis and strategies for responding to Microsoft allegations that the use of the Android operating system infringes one or more patents. A subpoena cannot be enforced "when, *inter alia*, it 'requires disclosure of privileged or other protected matter.'" *Certain Semiconductor Chips and Products Containing Same*, Inv. No. 337-TA-753, Order No. 28 (July 8, 2011). Microsoft's Requests and Topics run afoul of this rule.

A. Microsoft's Requests and Topics Impermissibly Seek Privileged and Protected Information

Several of Microsoft's Requests and Topics call for wholesale production of documents and information related to Google's legal strategy. For example, Requests and Topics 4, 5, and 6 call for Google's "assessments, strategy discussions, or analyses of" Microsoft's patents, patent litigation, and claims of patent infringement. These Requests and Topics seek information on Google's analysis of quintessentially legal subjects.

To the extent any responsive documents related to Google's strategies on these legal topics exist that are somehow neither privileged nor work product, their value is far outweighed by and not proportionate to the expense and burden required to review, determine which documents contain privileged information or are work-product, and prepare the necessary privilege logs. *See Del Campo v. Am. Corrective Counseling Servs., Inc.*, No. C-01-21151, 2007 WL 4287335, at *4 (N.D. Cal. Dec. 5, 2007) (narrowing overly broad request for production that called for numerous privileged documents to "exclude letters between [defendant] and its counsel of record" and "work product relating to [defendant's] public policy arguments").

Microsoft's deposition Topics are similarly flawed. It would be a practical impossibility to prepare a Rule 30(b)(6) deponent on the issue of Google's Android-related strategy as it

relates to Microsoft's patents and litigation threats without creating an unreasonably high likelihood that privileged information would be disclosed. Rule 30(b)(6) deposition notices that call for a company's litigation strategy are commonly held improper in light of the work-product protection and attorney-client privilege. *See, e.g., Lizana v. State Farm Fire & Casualty Ins. Co.*, No. 1:08cv501, 2010 WL 44568, at *3 (S.D. Miss. Feb. 1, 2010) (denying in part motion to compel Rule 30(b)(6) deposition because "as phrased, the topic could invade the attorney-client privilege as well as work product protections"). The near impossibility of preparing a witness and conducting a deposition on such Topics without disclosing privileged and protected information, the burden on Google, and the high likelihood of numerous privilege disputes that would result all far outweigh Microsoft's minimal showing of relevance or need.

Microsoft argues that its Requests and Topics seek Google's "business" strategy, not its legal strategy. (Motion at 9 n.4.) Microsoft therefore contends that such information will not be privileged. (*Id.*) Microsoft's contention that simply including the word "business" in its Requests and Topics limits the burden on Google is misplaced. Unless limiting the Requests to "business" documents establishes that documents protected by attorney-client privilege and the work-product doctrine are simply not responsive, Google must still undertake the same burden of reviewing and logging these documents. And Microsoft fails to explain how it would be reasonably possible to prepare a deponent to testify on Google's "business" analysis of Microsoft's patents and patent litigation without risking disclosure of Google's legal analysis and strategy.

B. If the ALJ Certifies Enforcement, Reasonable Accommodations Should Be Made to Limit the Burden on Google

If the ALJ certifies enforcement of these requests, accommodations should be allowed to reduce the undue burden of providing a privilege log. Under similar circumstances, courts have

either relieved a non-party of the burden of providing a privilege log entirely, *see Perry v. Schwarzenegger*, 268 F.R.D. 344, 353 (N.D. Cal. 2010), or permitted use of a “categorical privilege log” instead of an item-by-item privilege log, *S.E.C. v. Thrasher*, No. 92-CIV-6987, 1996 WL 125661 (S.D.N.Y. Mar. 20, 1996). Further, any privilege log that is required should be limited to documents created before Microsoft filed its complaint in this investigation. *See Stern v. O’Quinn*, 253 F.R.D. 663, 689 (S.D. Fla. 2008) (“[I]n most cases, there is no good reason to require a party to go through the expense and burden of creating a privilege log with respect to documents created after the commencement of a case.”). Because Microsoft’s patently improper requests broadly seek documents disclosing Google’s legal strategies, such measures are appropriate here should these requests be certified for enforcement.

CONCLUSION

For the foregoing reasons, non-party Google Inc. respectfully requests that Microsoft Corp.’s motion be denied.

Dated: November 21, 2011

Respectfully submitted,

/s/ David A. Perlson

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***Certain Handheld Electronic Computing Devices, Related Software, and Components Thereof,
Inv. No. 337-TA-769***

CERTIFICATE OF SERVICE

I, Jon Tap, hereby certify that on this 21st day of November, 2011, copies of the foregoing document were served upon the following parties as indicated:

<p>The Honorable James R. Holbein Secretary U.S. International Trade Commission 500 E Street, SW Washington, DC 20436</p>	<p><input type="checkbox"/> Via First Class Mail <input checked="" type="checkbox"/> Via Hand Delivery (2 copies) <input type="checkbox"/> Via Overnight Courier <input type="checkbox"/> Via Electronic Mail <input checked="" type="checkbox"/> Via E-filing</p>
<p>The Honorable Theodore R. Essex Administrative Law Judge U.S. International Trade Commission 500 E Street, SW Washington, DC 20436 Email: Tamara.Foley@usitc.gov</p>	<p><input type="checkbox"/> Via First Class Mail <input checked="" type="checkbox"/> Via Hand Delivery (2 copies) <input type="checkbox"/> Via Overnight Courier <input checked="" type="checkbox"/> Via Electronic Mail</p>
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***Certain Handheld Electronic Computing Devices, Related Software, and Components Thereof,
Inv. No. 337-TA-769***

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