

**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

**COMPLAINANT MICROSOFT CORPORATION'S UNOPPOSED
MOTION FOR LEAVE AND MEMORANDUM IN SUPPORT TO FILE
RESPONSES TO RESPONDENTS' HIGH PRIORITY OBJECTIONS OUT OF TIME**

Complainant Microsoft Corporation hereby moves for leave to file its responses to Respondents Barnes & Noble, Inc. and barnesandnoble.com LLC, and Inventec Corporation's (collectively, "Respondents") high priority objections, Document ID No. 470445 (hereinafter, "HPO Responses") one day out of time. Pursuant to Ground Rule 3.2, Microsoft sought Respondents' and the Office of Unfair Import Investigations Staff Attorney's ("Staff") position on this Motion. Neither Respondents nor Staff opposes this motion.

Microsoft's HPO Responses were filed only minutes after the 5:15 PM ET filing deadline and thereafter timely served on all parties. In filing its HPO Responses, Microsoft encountered technical difficulties loading the combined pleading and exhibit PDF files onto EDIS. Specifically, EDIS initially rejected the PDF files because they contained live hyperlinks. Upon discovery of this issue, Microsoft searched for and replaced each page, out of 340 total pages, that contained live hyperlinks. As a result of this tedious process, which occurred while Microsoft simultaneously filed seven other pleadings, Microsoft's filing was a few minutes late.

Good cause exists to grant Microsoft's Motion. Microsoft's HPO Responses explain in further detail its responses to certain objections also raised in Respondents' objections to Microsoft's direct and rebuttal exhibits. These objections are likely to be brought to the ALJ's attention at the hearing, and as a result, Microsoft's HPO Responses – which detail Microsoft's position on those objections – will likely assist the ALJ in ruling on them.

Respondents, who do not oppose granting leave, will not be prejudiced if leave is granted. First, Respondents received Microsoft's HPO Responses before the 6:30 PM service deadline, and at the exact same time they would have received Microsoft's HPO Responses had they been timely filed. Furthermore, as explained above, Microsoft's HPO Responses simply elaborate on Microsoft's responses to certain of Respondents' objections to Microsoft's direct and rebuttal exhibits. Thus, Respondents are already on notice of Microsoft's general responses to those objections.

Accordingly, for the reasons set forth herein, Microsoft respectfully requests leave to file its HPO Responses one day out of time.

Dated: February 2, 2012

Respectfully submitted,

/s/ Thomas R. Burns, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **COMPLAINANT MICROSOFT CORPORATION'S UNOPPOSED MOTION FOR LEAVE AND MEMORANDUM IN SUPPORT TO FILE RESPONSES TO RESPONDENTS' HIGH PRIORITY OBJECTIONS OUT OF TIME** was served to the parties, in the manner indicated below, this 2nd day of February 2012:

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
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U.S. INTERNATIONAL TRADE COMMISSION
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☐ VIA HAND DELIVERY
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☐ VIA OVERNIGHT DELIVERY

/s/Sara J. Ferguson

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