



December 3, 2012

United States International Trade Commission  
500 E Street, S.W.  
Washington, DC 20436

**Re: The Innovation Alliance's Response to the Commission's Request for Written Submissions in *Certain Electronic Devices, Including Wireless Communication Devices, Portable Music and Data Processing Devices, and Tablet Computers*, Inv. No. 337-TA-794.**

Dear Secretary Barton:

The Innovation Alliance ("IA") respectfully submits these comments in response to the Notice of Commission Determination to Review the Final Initial Determination; Schedule for Filing Written Submissions on the Issues Under Review and on Remedy, Public Interest, and Bonding issued by the United States International Trade Commission in the matter of *Certain Electronic Devices, Including Wireless Communication Devices, Portable Music and Data Processing Devices, and Tablet Computers*, Inv. No. 337-TA-794, on November 19, 2012 (the "Commission Request").

### **Introduction to IA**

The IA is a coalition of companies seeking to enhance America's innovation environment by improving the quality of patents and protecting the integrity of the U.S. patent system. IA represents innovators, patent owners and stakeholders from a diverse range of industries that believe in the critical importance of maintaining a strong patent system. Many of IA's members also manufacture and/or sell products and services that utilize not only their own patents, but those of third parties as well. IA's positions on a strong patent system – on the pro-innovation and pro-competitive benefits of voluntary standardization efforts and bilateral negotiation of licenses and cross-licenses among standardization participants – are not new.

### **IA's Response**

Requests to the ITC for exclusion orders should be decided based on the facts and circumstances of each particular case. Any proposal to automatically deny exclusion orders on a blanket basis for all holders of standard-essential patents ("SEPs") who commit to grant licenses under reasonable and non-discriminatory ("RAND") terms