

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN COMMUNICATION
EQUIPMENT, COMPONENTS
THEREOF, AND PRODUCTS
CONTAINING THE SAME, INCLUDING
POWER OVER ETHERNET
TELEPHONES, SWITCHES, WIRELESS
ACCESS POINTS, ROUTERS AND
OTHER DEVICES USED IN LANS, AND
CAMERAS**

Inv. No. 337-TA-817

ORDER NO. 12: DENYING COMPLAINANT'S MOTION TO STRIKE NON-PARTY GOOGLE INC.'S SUBMISSION ON PUBLIC INTEREST AND PRECLUDE GOOGLE FROM PARTICIPAING IN THE INVESTIGATION, OR IN THE ALTERNATIVE, TO CERTIFY TO THE COMMISSION A REQUEST FOR JUDICIAL ENFORCEMENT OF THE SUBPOENA TO GOOGLE, INC.

(May 29, 2012)

On March 8, 2012, complainant ChriMar Systems, Inc. d/b/a CMS Technologies ("ChriMar") filed this motion to strike non-party Google Inc.'s ("Google") November 15, 2011, submission on issues relating to the public interest and to preclude Google from participating further in this investigation, or in the alternative, to certify to the Commission a request for judicial enforcement of the subpoena to Google issued on February 13, 2012, and served on Google on February 14, 2012. (Motion Docket No. 817-006.) On March 19, 2012, Respondents submitted a joint opposition to ChriMar's motion and Google also filed its opposition. On the same day, the Commission Investigative Staff ("Staff") filed a response opposing the motion.

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Inv. No. 337-TA-817

**ORDER NO. 13: GRANTING-IN-PART AND DENYING-IN-PART NON-PARTY
BROADCOM CORPORATION'S MOTION TO QUASH AND/OR
LIMIT COMPLAINANT'S SUBPOENA *DUCES TECUM* AND *AD
TESTIFICANDUM***

(May 29, 2012)

On March 19, 2012, non-party Broadcom Corporation ("Broadcom") filed a motion to quash and/or limit the subpoena *duces tecum* and *ad testificandum* issued on February 21, 2012, and served by complainant ChriMar Systems, Inc. d/b/a CMS Technologies ("ChriMar"). (Motion Docket No. 817-010.) Broadcom also seeks compensation for the costs associated with responding to ChriMar's subpoena. On March 21, 2012, non-party NVIDIA filed a notice of joinder with Broadcom's motion. On March 28, 2012, the Commission Investigative Staff ("Staff") filed a response opposing the motion. On March 29, 2012, ChriMar filed an opposition.

On April 6, 2012, Broadcom filed a motion for leave to file a reply in support of its motion. (Motion Docket No. 817-015.) On April 9, 2012, ChriMar filed an opposition to

Broadcom's motion for leave to file a reply. On April 10, 2012, Broadcom filed a corrected Ground Rule 3.2 statement. As of the date of this order, no other responses have been received. Motion No. 817-015 is DENIED.

This investigation is based on a complaint filed by ChriMar on November 1, 2011. In accordance with recent changes to the Commission Rules, the Commission published a notice entitled "Solicitation of Comments Relating to the Public Interest" in the Federal Register on November 7, 2011, inviting ChriMar, respondents, other interested parties, and members of the public to file comments addressing so-called "public interest factors" outlined in Section 337, *i.e.*, whether issuance of an exclusion order and/or cease and desist order in this investigation would negatively affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers. (*See* 76 Fed. Reg. 68785 (November 7, 2011).) On November 15, 2011, Broadcom and NVIDIA jointly submitted public interest statement primarily arguing that the public interest disfavors investigations (1) by licensing driven entities and (2) implicating standard-compliant products. As discussed in Order No. 12, Google also filed a five-page public interest submission in response to this request. Broadcom's submission cites only to the complaint and several legal journal articles dealing with the issues raised in its submission. Broadcom and NVIDIA are also chip suppliers to the named respondents in this investigation.

On February 21, 2012, ChriMar served a subpoena on Broadcom seeking documents and deposition testimony that ChriMar contended pertained to matters related to Broadcom's public interest statement and to the products Broadcom supplies the respondents. Broadcom filed

objections arguing, *inter alia*, that the requests were overly broad and unduly burdensome and sought privileged information. Broadcom has not yet produced any documents or a deponent.

Broadcom argues that this subpoena is simply to punish it for submitting a public interest statement. Broadcom asserts that even for document requests purportedly directed to the accused products in the investigation, ChriMar's subpoena is substantially overbroad because it seeks "all documents" and "all communications." If the subpoena is not quashed, Broadcom suggests that the subpoena be narrowed in accordance with Broadcom's response to the subpoena, which Broadcom asserts sets forth a reasonable scope for discovery of all non-privileged materials referred to or relied upon for Broadcom's submission on the public interest. Specifically, Broadcom suggests:

1. Quash Document Request Nos. 1-2, 14, 17-23, 25, 27-33, as not sought for an appropriate purpose, relevant or reasonable scope.
2. Quash Document Request Nos. 3, 7-12, 24, and 26 as seeking documents in the possession, custody, or control of respondents.
3. Limit the scope of Document Request Nos. 3-6 as follows: Broadcom will produce responsive, non-privileged documents in its possession, custody or control located after a reasonable search that (i) discuss ChriMar in connection with this investigation; (ii) discuss the '250 Patent; (iii) discuss any ChriMar patent known to Broadcom in connection with this investigation; or (iv) discuss Investigation No. 337-TA-817.
4. Limit the scope of Document Request Nos. 13, 15-16 as follows: Broadcom will produce responsive, non-privileged documents in its possession custody, or control located after a reasonable search that were referred to or relied upon for the November 15, 2011 Submission of Non-Party Broadcom Corporation and NVIDIA Corporation in Response to the Commission's Request for Submissions on the Public Interest (Docket No. 2853).
5. Quash the subpoena *ad testificandum* as duplicative, cumulative, and unduly burdensome unless the Complainant can identify unique, relevant topics reasonable in scope on which deposition testimony is required after production of the above-described documents.

NVIDIA also urges that the subpoena (and the subpoena served on it) be quashed. NVIDIA argues that the subpoena is only to punish the non-parties who submitted public interest statements in this investigation. NVIDIA notes that 12 of the 15 document requests seek “all documents” and the deposition subpoena includes 12 deposition topics. NVIDIA argues that it is identically situated to Broadcom and Google and urges that the same logic also applies to it.

ChriMar argues that it is entitled to take discovery from Broadcom because Broadcom is a supplier of important components in the respondents’ accused products. ChriMar does not object to some of the limitations Broadcom seeks to impose on the subpoena. Specifically, ChriMar does not oppose Broadcom’s proposal to limit the scope of Document Requests 3-6, 13, and 15-16. ChriMar does oppose Broadcom’s efforts to quash (1) Document Request Nos. 1-2, 7-12, 14, 17-23, and 24-33; and (2) ChriMar’s efforts to obtain deposition testimony.

ChriMar also argues that the subpoena seeks relevant information because Broadcom’s chips are incorporated into many of the accused products. ChriMar also argues that the requests are not unduly broad and overly burdensome because some of the requests only seek documents “sufficient” to show certain information and others are directed to the accused products. ChriMar also argues that the IEEE discovery is related to respondents’ affirmative defenses. ChriMar asserts that the deposition topics would not be duplicative and seek legitimate discovery. ChriMar argues that discovery into the public interest statement is necessary to “ensure that the parties and the ALJ can properly assess the basis for those arguments as well as the third-party’s objectivity and credibility.” ChriMar asserts that “Broadcom’s business and commercial relationship with Respondents establish that vested interest.” ChriMar also argues that Broadcom is not entitled to costs should the ALJ not quash the subpoena.

Staff suggests that the motion should be denied. Staff agrees that Broadcom's submission of a public interest statement alone should not automatically subject it to discovery. However, Staff asserts that Broadcom is in a different position than Google. Staff argues that unlike Google, the subpoena served on Broadcom is more narrowly tailored to seek information relevant to ChriMar, ChriMar's '250 patent, the 802.3 standard at issue in this investigation, and Broadcom's 802.3 compliant chips which have been sold to the Respondents and are allegedly incorporated into at least some of the accused products. Staff contends that Broadcom's alleged participation in the 802.3 standard and its sale of Power over Ethernet chips to the respondents makes the discovery sought relevant. As for Broadcom's suggestion to limit the subpoena, Staff argues that this suggestion would quash the more relevant document requests directed to Broadcom's chips while allowing discovery only regarding ChriMar and the public interest. Thus, Staff opposes the motion.

A non-party moving to quash or limit a subpoena has the burden of showing that the subpoena is unreasonable or oppressive. *Truswal Sys. Corp. v. Hydro-Air Eng'g, Inc.*, 813 F.2d 1207, 1210 (Fed. Cir. 1987). "The test for determining whether a subpoena should be quashed balances: (1) the relevance of the discovery sought; (2) the need of the requesting party; and (3) the potential hardship to the party responding to the subpoena." *Certain Muzzle-Loading Firearms and Components Thereof*, Inv. No. 337-TA-777, Order No. 25 (December 1, 2011). "In assessing the burden of complying with a subpoena, a court may consider as one factor that a deponent is not a party." *Truswal*, 813 F.2d at 1210.

The ALJ finds that Broadcom has not shown that the subpoena should be quashed in its entirety. Unlike the subpoena ChriMar served on Google, this subpoena is not directed only at obtaining information related to the public interest statement, it also seeks information related to

components that Broadcom supplies for the accused products. As Staff rightly suggests, this difference is dispositive as to whether the subpoena should be quashed in its entirety.

As for Broadcom's efforts to limit the document subpoena, the ALJ discerns three main issues. *First*, ChriMar apparently consents to the limitations suggested in Broadcom's brief regarding Document Requests 3-6, 13, and 15-16. Accordingly, the ALJ limits those requests as suggested by Broadcom.

Second, the ALJ agrees with Broadcom that a number of the document requests cannot be justified merely by Broadcom's status as a supplier. Thus, they fall into the same category as the subpoena ChriMar served on Google. Contrary to ChriMar's suggestion, extensive discovery is not necessary to determine potential sources of bias for a supplier to respondents, such as Broadcom. For example, ChriMar's requests for all written agreements between Broadcom and any respondent, or patents and documents concerning unrelated litigations that Broadcom has been involved in, are so far removed from the subject matter of this investigation to be irrelevant. More importantly, the burden on the non-party far outweighs the mere possibility of relevancy. Accordingly, the ALJ grants Broadcom's motion to quash the subpoena with respect to Document Request Nos. 24-30.

Third, as for the remaining requests, the ALJ is inclined to agree with Broadcom that many of them are vague, overly broad, and unduly burdensome. In particular, the requests seeking "all documents" and "all communications" are substantially overbroad. The ALJ finds that this is even the case with respect to the requests seeking technical aspects of components of the accused products –the most relevant category of documents sought by the subpoena. As such, these requests (as currently written) are unduly burdensome for a third party to be required to respond.

However, the ALJ believes that many of the problems with the requests can be worked out between the parties. Accordingly, the ALJ hereby ORDERS the parties to meet and confer to agree on a reasonable scope of the requests and a reasonable scope for any search for documents that Broadcom should perform. In this meet and confer process, ChriMar shall identify with specificity the products and specific information (*e.g.*, what information about volumes, what information about the IEEE task forces) for which it seeks documents. The identity of the products that Respondents purchased should have been identified through discovery from Respondents. It is unfair to impose the burden of identifying specific products on a non-party. Moreover, a third party subpoena is not a fishing expedition. To the extent that ChriMar believes that specific aspects of Broadcom's participation in the IEEE working groups related to 802.3 are relevant to Respondents' defenses, it should identify those aspects. Accordingly, the ALJ declines to grant Broadcom's motion to quash the remaining of the document requests and directs the parties to meet and confer regarding the scope of those requests in their entirety and the search that Broadcom shall be required to perform.

As for Broadcom's request for cost shifting, the ALJ denies it without prejudice. Many of the document requests, as drafted, are exceedingly broad to the extent that they seek "all documents" and "all communications" for a wide variety of topics. Without a specific demonstration of need, the ALJ believes that such broad requests are unwarranted and, if unrestricted, may warrant cost shifting. However, the ALJ is unwilling to award cost-sharing in the abstract and without an actual demonstration of the costs involved. Should a renewed effort for cost-shifting be made by any third party, the ALJ will look closely at the reasonableness of the conduct of the parties in their meet and confer process in determining if cost-shifting is warranted.

Finally, as for the deposition subpoena, the ALJ declines to quash it in its entirety. Because Broadcom is a supplier of components for accused products, ChriMar is entitled to obtain testimony regarding those components that is relevant to its claims and defenses. However, the ALJ finds that many of the topics are overly broad and unduly burdensome and many seek information irrelevant to this investigation. The ALJ grants Broadcom's motion to quash with respect to topics 5, 6, 7, 11, 16 and 17. These topics seek information that is irrelevant for the reasons stated above with respect to Document Request Nos. 24-30. The ALJ directs the parties to meet and confer regarding the scope of the deposition on the remaining topics. ChriMar shall identify with specificity the products for which it seeks testimony.¹

Accordingly, Motion No. 817-010 is GRANTED-IN-PART and DENIED-IN-PART.


The ALJ declines to quash the subpoenas in their entirety. The ALJ orders as follows:

1. Document Request Nos. 3-6 are limited in scope as follows: Broadcom will produce responsive, non-privileged documents in its possession, custody or control located after a reasonable search that (i) discuss ChriMar in connection with this investigation; (ii) discuss the '250 Patent; (iii) discuss any ChriMar patent known to Broadcom in connection with this investigation; or (iv) discuss Investigation No. 337-TA-817.
2. Document Request Nos. 13, 15-16 are limited in scope as follows: Broadcom will produce responsive, non-privileged documents in its possession, custody, or control located after a reasonable search that were referred to or relied upon for the November 15, 2011 Submission of Non-Party Broadcom Corporation and NVIDIA Corporation in Response to the Commission's Request for Submissions on the Public Interest (Docket No. 2853).
3. Document Request Nos. 24-30 are quashed.
4. The parties are directed to meet and confer regarding the remaining document requests as directed above.

¹ With respect to NVIDIA, the ALJ declines to quash the subpoenas directed to it at this time without specific briefing on the requests directed to NVIDIA. However, the ALJ directs the parties to meet and confer regarding the NVIDIA subpoenas in light of the rulings set forth in this order and to limit those subpoenas in a manner consistent with this order.

5. Broadcom's request for cost shifting is denied without prejudice.
6. The deposition subpoena is quashed with respect to Topics 5, 6, 7, 11, 16 and 17.
7. The parties are directed to meet and confer regarding the remaining deposition topics as directed above.

SO ORDERED.



Theodore R. Essex
Administrative Law Judge

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337-TA-817

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER 13** has been served by hand upon the Commission Investigative Attorney, **Daniel E. Valencia, Esq.**, and the following parties as indicated on **May 29, 2012**.



Lisa R. Barton, Acting Secretary
U.S. International Trade Commission
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Washington, D.C. 20436

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**On Behalf of Respondents HEWLETT-PACKARD CO. and EXTREME NETWORKS,
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337-TA-817

PUBLIC CERTIFICATE OF SERVICE-PAGE TWO

**On Behalf of Respondents CISCO SYSTEMS, INC., CISCO CONSUMER PRODUCTS,
LLC (formerly know as Cisco-Linksys, LLC), CISCO-LINKYS, LLC (now known as Cisco
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On March 21, 2012, non-party NVIDIA Corporation filed a notice joining Google's opposition to this motion.¹ As of the date of this order, no other responses have been received.

This investigation is based on a complaint filed by ChriMar on November 1, 2011. In accordance with recent changes to the Commission Rules, the Commission published a notice entitled "Solicitation of Comments Relating to the Public Interest" in the Federal Register on November 7, 2011, inviting ChriMar, respondents, other interested parties, and members of the public to file comments addressing so-called "public interest factors" outlined in Section 337, *i.e.*, whether issuance of an exclusion order and/or cease and desist order in this investigation would negatively affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers. (*See* 76 Fed. Reg. 68785 (November 7, 2011).)

On November 15, 2011, Google filed a five-page submission in response to this request. The essence of Google's submission was that the Commission should seriously consider not issuing an exclusion order in this investigation because it did not appear that ChriMar or its licensees could meet demand for the products at issue in the investigation. Google also argued that Commission should not enable parties to make an end-run around the Supreme Court decision in *eBay Inc. v. MercExchange LLC*, 547 U.S. 388 (2006), by allowing a party to obtain an exclusion order in a situation where they could not obtain an injunction in district court. Google's submission cites only to the complaint, other submissions on the docket, several publicly available websites, and several legal journal articles dealing with the issues raised in its submission.

¹ While NVIDIA filed a motion joining Google's opposition, the ALJ finds that the issues dealing with NVIDIA are more properly dealt with in connection with Broadcom's motion to quash. (*See* Order No. 13.)

On February 14, 2012, ChriMar served a subpoena on Google seeking documents and deposition testimony that ChriMar contended pertained to matters related to Google's public interest statement. Google filed objections arguing, *inter alia*, that the requests were overly broad and unduly burdensome and sought privileged information. Google has not yet produced any documents or a deponent.

ChriMar argues that Google has injected itself into this hearing by filing a public interest statement, and therefore, ChriMar argues that it is entitled to take discovery from Google. ChriMar contends that if Google fails to give discovery, Google's public interest statement should be stricken based on the authority of Commission Rule 210.33 and the Commission's inherent power to manage its docket. ChriMar also asserts that Google should be barred from any further participation in the investigation. In particular, ChriMar contends that Google's noncompliance with the subpoena "denies the Commission Investigative Staff and the ALJ the opportunity to fully consider and analyze the public interest." In the alternative, ChriMar contends that if Google's public interest statement is not stricken, the ALJ should certify to the Commission a request for judicial enforcement of the subpoena.

Google argues that ChriMar has cited no authority that supports its motion to strike Google's public interest submission and that neither Commission Rule 210.33 nor any inherent power provides a basis for doing so. Google asserts that submission of a five-page submission cannot justify ChriMar's sweeping discovery demands. Indeed, Google contends that ChriMar's contentions cannot be correct because it would undermine the policy of encouraging public interest submissions that the Commission announced by promulgating the new rules regarding the public interest. In addition, Google asserts that allowing such broad discovery would chill

Google's First Amendment petitioning rights. Finally, Google contends that ChriMar's discovery requests are unduly broad and overly burdensome and improperly seek information protected by the attorney-client privilege and work product immunity.

Respondents submit that ChriMar's subpoena to Google was simply a form of harassment rather than for any legitimate purpose related to the significant public interest concerns specifically at issue in this Investigation. Respondents note that the Commission Rules explicitly limit public interest discovery and require that the ALJ give "particular consideration to third parties" and to "ensure that such discovery will not delay the investigation improperly." 19 C.F.R. § 210.10(b). Respondents argue that striking Google's public interest statement would undermine the goals of the Commission seeking such statements and that allowing discovery would not provide any information to further the Commission's goals.

Staff submits that motion should be denied in its entirety. Staff argues that the subpoena served on Google is unduly broad. For example, Staff notes that a number of the requests seek "all documents" regarding a number of issues that have, at best, an unclear relationship to the issues in this investigation. As such, Staff sees no basis for certification to the Commission for judicial enforcement of the subpoena. Staff also argues that there is no authority under Commission Rule 210.33 for striking Google's submission because this rule only applies to parties to the investigation. Finally, Staff sees no other basis for striking Google's submission. Staff notes that the Commission, as evidenced by its recent rule making, is putting greater emphasis on the statutory public interest factors and has requested submissions such as Google's. Staff contends that if ChriMar's motion is granted then every member of the public who submits a public interest statement will be subject to discovery requests. Moreover, Staff notes that

Google's submission cites only publically available facts and there is no evidence that suggests that Google has any non-public, factual evidence of particular relevance to the public interest issues.

The ALJ agrees with Google and Staff. Without reaching the issue of whether the power to strike Google's submission even exists, the ALJ finds that Google has done nothing to warrant striking its submission. First, on its face, Google's submission raises no issues warranting any discovery from Google. The submission is based entirely on public facts and raises relatively straight forward arguments regarding *eBay* and the availability of alternative suppliers. Thus, the ALJ declines to impose the extreme sanction of striking its public interest submission because there was no prejudice by Google's actions of declining to provide discovery. Second, even if some discovery was warranted (which it is not), ChriMar's requests go so far beyond any relevance to this investigation that they border on bad faith. At least twenty-three of ChriMar's requests seek "all documents" on a laundry list of extremely broad topics. For example:

- All documents regarding benefits that Google has received or is expected to receive regarding its purchase of patents from Third-Parties, or the purchase of Third-Parties and those parties' patents;
- All documents regarding Intellectual Ventures;
- All documents regarding Google's relationship with Motorola Mobility Holdings, Inc.;
- All documents regarding complaints, allegations, contentions, or assertions against Google that Google has infringed a patent of a Third-Party;
- All documents regarding benefits Google has received or is expected to receive regarding Google's acquisition of any company and their respective patent portfolios.

ChriMar has utterly failed to show how any of this discovery is remotely relevant to this investigation. As for the other document requests, a simple review of Google's submission shows the basis of their contentions and, as such, there is no prejudice from Google's submission nor can ChriMar establish any prejudice. As for ChriMar's deposition subpoena, the topics are similarly flawed and seek irrelevant material like ChriMar's document requests. Thus, there is no prejudice from Google's conduct to warrant the sanctions that ChriMar seeks. *See Certain Semiconductor Chips with Minimized Chip Package Size and Products Containing Same*, Inv. No. 337-TA-605, Final Initial Determination at 88 (November 2011).

Furthermore, as Staff and Google noted, Google's public interest submission was a result of the Commission's invitation. Google did not "interject" itself into the investigation as ChriMar asserts. Rather, Google responded to an invitation by the Commission to provide commentary on this investigation and its impact on the public interest. While ChriMar may not like or agree with Google's submission, it does not provide a basis for striking the submission or provide a carte blanche for any and all discovery from Google. Accordingly, the ALJ declines to strike Google's public interest submissions or bar Google from further participating in the investigation as it relates to public interest.

As for ChriMar's request to certify its request to the Commission to request judicial enforcement of the subpoena, that request is also DENIED. Commission Rule 210.32(g) provides that:

(g) Obtaining judicial enforcement. 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.

19 C.F.R. § 210.32(g) (emphasis added). Administrative Law Judges have previously certified requests for judicial enforcement to the Commission when the requisite showings of purpose, relevance, and reasonableness have been made, and when appropriate, the Commission has sought to enforce the subpoenas in district court.²

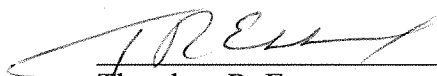
As discussed above, ChriMar's discovery requests are overly broad, unduly burdensome, and/or seek information irrelevant to this investigation. Most of the requests seek information

² See *Certain NAND Flash Memory Circuits and Products Containing Same*, Inv. No. 337-TA-526, Order No. 19 (July 18, 2005) & Notice of Commission Determination Granting a Request by the Administrative Law Judge for Judicial Enforcement of a Subpoena (August 23, 2005); *Certain Encapsulated Integrated Circuit Devices and Products Containing Same*, Inv. No. 337-TA-501, Order No. 63 (June 7, 2004) & Order No. 102 (September 8, 2005) & Notice of Commission Determination Granting a Request by the Administrative Law Judge for Judicial Enforcement of a Subpoena (July 12, 2004).

that bears no relationship to this investigation. The few requests that purport to seek information related to the public interest statement that Google submitted are unduly burdensome because the information sought is either contained in Google's statement itself, is privileged, or can be obtained from the publicly available information cited in Google's statement. In such a situation, a five-page public interest statement based on public information does not become a fishing license to conduct a side investigation of non-parties. Thus, the ALJ declines to certify ChriMar's request to the Commission for judicial enforcement of its subpoena.

Accordingly, Motion No. 817-006 is DENIED.

SO ORDERED.



Theodore R. Essex
Administrative Law Judge

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337-TA-817

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER 12** has been served by hand upon the Commission Investigative Attorney, **Daniel E. Valencia, Esq.**, and the following parties as indicated on **May 29, 2012**.



Lisa R. Barton, Acting Secretary
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PUBLIC CERTIFICATE OF SERVICE-PAGE TWO

**On Behalf of Respondents CISCO SYSTEMS, INC., CISCO CONSUMER PRODUCTS,
LLC (formerly know as Cisco-Linksys, LLC), CISCO-LINKYS, LLC (now known as Cisco
Consumer Products, LLC) and CISCO SYSTEMS INTERNATIONAL B.V.:**

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