UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

Before the Honorable E. James Gildea
Administrative Law Judge

In the Matter of

CERTAIN DEVICES WITH SECURE
COMMUNICATION CAPABILITIES,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING THE SAME

Investigation No. 337-TA-858

RESPONDENT'S APPLICATION FOR ISSUANCE OF
SUBPOENA *DUCES TECUM* AND SUBPOENA *AD TESTIFICANDUM*

Pursuant to 19 C.F.R. § 210.32, and Ground Rule1(i), Respondent Apple Inc. ("Apple")

hereby applies to the Administrative Law Judge for issuance of a subpoena *duces tecum* and

subpoena *ad testificandum* requiring the Internet Engineering Task Force ("IETF"), to produce the

documents, materials and things described in Attachment A hereto at the offices of WILLIAMS,

MORGAN & AMERSON, c/o Chris Cravey, 1033 Richmond, Suite 1100, Houston, TX, 77042, on

or before January 18, 2013, or at such other time and place as is mutually agreed upon, and identify

and designate the most knowledgeable individual(s) to appear and give testimony as it relates to

these documents, materials and things described in Attachment A, on January 24, 2013 at 9 a.m. at a

place that is mutually agreed upon.

The scope of the documents and testimony requested in Attachment A is both reasonable

and relevant to this investigation. As an entity composed of a community of network designers,

operators, vendors, and researchers concerned with the evolution of the Internet architecture and the

smooth operation of the Internet that creates and publishes Internet standards and protocols related

to the Asserted Patent, it is expected that the IETF will provide documents and testimony about

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CERTAIN DEVICES WITH SECURE COMMUNICATION CAPABILITIES, COMPONENTS THEREOF, AND PRODUCTS CONTAINING THE SAME	Investigation No. 337-TA-858

RESPONDENT'S APPLICATION FOR ISSUANCE OF SUBPOENA *DUCES TECUM* AND SUBPOENA *AD TESTIFICANDUM*

Pursuant to 19 C.F.R. § 210.32, and Ground Rule1(i), Respondent Apple Inc. ("Apple") hereby applies to the Administrative Law Judge for issuance of a subpoena *duces tecum* and subpoena *ad testificandum* requiring the Internet Engineering Task Force ("IETF"), to produce the documents, materials and things described in Attachment A hereto at the offices of WILLIAMS, MORGAN & AMERSON, c/o Chris Cravey, 1033 Richmond, Suite 1100, Houston, TX, 77042, on or before January 18, 2013, or at such other time and place as is mutually agreed upon, and identify and designate the most knowledgeable individual(s) to appear and give testimony as it relates to these documents, materials and things described in Attachment A, on January 24, 2013 at 9 a.m. at a place that is mutually agreed upon.

The scope of the documents and testimony requested in Attachment A is both reasonable and relevant to this investigation. As an entity composed of a community of network designers, operators, vendors, and researchers concerned with the evolution of the Internet architecture and the smooth operation of the Internet that creates and publishes Internet standards and protocols related to the Asserted Patent, it is expected that the IETF will provide documents and testimony about

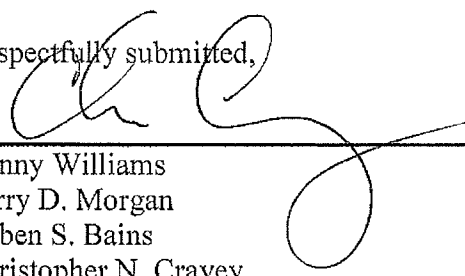publically available prior art that will be directly relevant to the invalidity of the Asserted Patent. Apple believes that it will be unable to obtain the requested information by alternate means.

For the reasons set forth above, Apple respectfully requests that the attached subpoenas be issued. Apple will serve the subpoenas and this application on the next business day after the subpoena issues by overnight courier and electronic mail or by any other method specified by the Administrative Law Judge.

Dated: December 27, 2012

Respectfully submitted,

/s/

Danny Williams
Terry D. Morgan
Ruben S. Bains
Christopher N. Cravey
Kyung Kim
Scott Woloson
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10333 Richmond, Suite 1100
Houston, TX 77042
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Counsel for Respondent Apple Inc.

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

Before the Honorable E. James Gildea
Administrative Law Judge

In the Matter of

CERTAIN DEVICES WITH SECURE
COMMUNICATION CAPABILITIES,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING THE SAME

Investigation No. 337-TA-858

SUBPOENA AD TESTIFICANDUM

TO: The Internet Engineering Task Force
       c/o The Internet Society
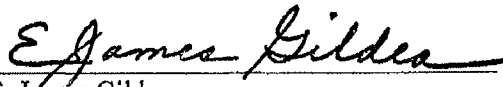   1775 WIEHLE AVE., SUITE 201
       RESTON, VA 20190

TAKE NOTICE: By authority of section 337 of the Tariff Act of 1930, as amended (19

U.S.C. § 1337), 5 U.S.C. § 556(c)(2), and pursuant to 19 C.F.R. § 210.32 of the Rules of Practice

and Procedure of the United States International Trade Commission, and upon an application for

subpoena made by respondent Apple Inc.,

YOU ARE HEREBY ORDERED to present yourself for purposes of your deposition

upon oral examination on January 24, 2013 at 9 a.m. at the offices of KENYON & KENYON

LLP, 1500 K St. NW, Suite 700, Washington, DC 20005-1257, or at another time and place agreed

on, concerning the subject matter set forth in Attachment A hereto.

This deposition will be taken before a Notary Public or other person authorized to

administer oaths and will continue from day to day until completed. This deposition may be

recorded stenographically and by video. Real-time transcription (e.g., LiveNote) may be used as

well.

Any motion to limit or quash this subpoena shall be filed within ten (10) days after the

receipt thereof.

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IN WITNESS WHEREOF the undersigned of the United States International Trade Commission has hereunto set his hand and caused the seal of said United States International Trade Commission to be affixed at Washington, D.C. on this 2nd day of _January_____, 2012.

E. James Gildea
Administrative Law Judge
United States International Trade Commission

ATTACHMENT A

INSTRUCTIONS

The requests for production, as well as the instructions provided above, are subject to and incorporate the following definitions and instructions as used herein:

1.   This subpoena requires You to produce all responsive documents in Your actual or constructive possession, custody, or control.

2.   If multiple copies of a document exist, please produce every copy with notation or markings of any sort that do not appear on other copies.

3.   Please produce the documents as they are kept in the usual course of business, organized and labeled to correspond with the categories in this subpoena.

4.   This subpoena includes documents that exist in electronic form (including electronic mail, back-up tapes, magnetic tapes and diskettes).

DEFINITIONS

1.   "Investigation" means *Certain Devices With Secure Communication Capabilities, Components Thereof, And Products Containing The Same*, United States International Trade Commission Investigation No. 337-TA-858.

2.   "IETF," "you," or "your" means The Internet Society, the Internet Engineering Task Force, and all predecessors, subsidiaries, joint ventures, parents, affiliates, and other legal entities that are wholly or partially owned or controlled by The Internet Society or the Internet Engineering Task Force, either directly or indirectly, and including but not limited to all past or present directors, officers, agents, employees, consultants, attorneys, and others acting on behalf of these same entities.

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3.   "Person" means any natural person or individual, and any and all legal entities, including without limitation, corporations, companies, firms, partnerships, joint ventures, proprietorships, associations, governmental bodies or agencies, or other form of business enterprise.

4.   The terms "and" and "or" are terms of inclusion and not of exclusion and are to be construed either disjunctively or conjunctively as necessary to bring within the scope of these requests any documents or responses which might be otherwise construed to be outside the scope of these requests.

5.   The term "any" includes "all," and the term "all" includes "any."

6.   The singular of any term includes the plural of that term, and the plural includes the singular.

7.   The term "concerning" means identifying, referring to, concerning, regarding evidencing, demonstrating, summarizing, reflecting, constituting, containing, embodying, mentioning, pertaining to, commenting upon, connected with, discussing, describing, analyzing, showing, comprising, or relating to in any relevant way to a particular subject, in whole or in part, either directly or indirectly.

8.   "RFC" means the Request for Comment and drafts of Requests for Comment made available by the IETF at http://www.ietf.org/, http://www.rfc-editor.org/, http://tools.ietf.org/, or http://ftp.rfc-editor.org/.

9.   "Document" is defined broadly to be given the full scope of that term contemplated in Rule 210.30 and Fed. R. Civ. P. 34, and includes all tangible things, all originals (or, if originals are not available, identical copies thereof), all non-identical copies of a document, all drafts of final documents, all other written, printed, or recorded matter of any kind, including without limitation drawings, prototypes, notes, notebooks, workbooks, project reports, correspondence,

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memoranda, internal presentations, and test results, and all other data compilations from which information can be obtained and translated if necessary, that are or have been in your actual or constructive possession or control, regardless of the medium on which they are produced, reproduced, or stored (including without limitation computer programs, emails, email stored in back up files, and files containing any requested information), and any recording or writing, as these terms are defined in Fed. R. Evid. 1001. Any document bearing marks, including without limitation, initials, stamped initials, comments, or notations not a part of the original text or photographic reproduction thereof, is a separate document.

10. "Rule(s)" refers to the Commission's Rules of Practice and Procedure, 19 C.F.R. §§ 210.1 et seq.

REQUESTS FOR PRODUCTION

1. All documents regarding the factual background and circumstances related to your policies, practices and/or procedures for creating, updating, and making RFCs publicly available.

2. All documents regarding the factual background and circumstances related to the ownership and development of RFCs.

3. All documents regarding the factual background and circumstances related to the date on which the documents identified in Exhibit 1 (copies of which are provided on the attached CD-ROM) were made publicly available, created, and last updated by the IETF.

4. All documents regarding the factual background and circumstances related to your policies, practices and/or procedures for creating, updating, and making the documents identified in Exhibit 1 (copies of which are provided on the attached CD-ROM) publicly available.

5. All documents that confirm that the documents identified in Exhibit 1 (copies of which are provided on the attached CD-ROM) are true and correct copies.

DEPOSITION TOPICS

1. The factual background and circumstances related to your policies, practices and/or procedures for creating, updating, and making the RFCs publicly available.

2. The factual background and circumstances related to the ownership and development of the RFCs.

3. The factual background and circumstances related to the date on which the documents identified in Exhibit 1 were made publicly available, created, and last updated by the IETF.

4. The factual background and circumstances related to your policies, practices, and/or procedures for creating, updating, making publicly available, and managing the documents identified in Exhibit 1.

5. Confirm that the documents identified in Exhibit 1 are true and correct copies.

6. The dates on which the documents identified in Exhibit 1 were made publicly available by the IETF.

7. Your policies, practices, and procedures for creating, making publicly available, updating, and managing the documents produced in response to Attachment A.

8. Your policies, practices, and procedures for making documents available through and updating documents on the following websites:

- http://www.ietf.org/
- http://www.rfc-editor.org/
- http://tools.ietf.org/
- http://ftp.rfc-editor.org/

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