

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

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In the Matter of))
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CERTAIN LENS-FITTED FILM PACKAGES) Investigation No. 337-TA-406
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NOTICE OF REQUEST FOR COMMENTS

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission is requesting comments from the parties to the above-captioned investigation concerning the remand from the U.S. Court of Appeals for the Federal Circuit in *Jazz Photo Corporation et al. v. U.S. International Trade Commission*, 264 F.3d 1094 (Fed. Cir. 2001)

FOR FURTHER INFORMATION CONTACT: Jean Jackson, Esq., telephone 202-205-3104, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436. Copies of all nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, D.C. 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol.public>. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: This investigation was instituted on March 25, 1998, based on a complaint by Fuji Photo Film Co., Ltd. (Fuji) of Tokyo, Japan, alleging unfair acts in violation of section 337 of the Tariff Act of 1930 by several respondents in the importation and sale of certain lens-fitted film packages (*i.e.*, disposable cameras) that infringed one or more claims of 15 patents held by complainant Fuji. 63 *Fed. Reg.* 14474 (March 25, 1998). On June 2, 1999, the Commission terminated the investigation, finding a violation of section 337 by all the respondents by reason of infringement of various claims of all 15 patents. 64 *Fed. Reg.* 30541 (June 8, 1999). The Commission issued a general exclusion order prohibiting the importation of disposable cameras that infringe any of the claims of the patents at issue, and issued twenty cease and desist orders to domestic respondents.

Respondents Jazz Photo Corp., OptiColor Inc., and Dynatec International Inc. appealed the

portion of the Commission's determination that concerned refurbished disposable cameras to the U.S. Court of Appeals for the Federal Circuit. The portion of the Commission's determination that concerned newly-manufactured disposable cameras was not appealed. On August 21, 2001, the Federal Circuit issued its opinion, affirming-in-part, reversing-in-part, and remanding the Commission's determination. *Jazz Photo Corporation et al. v. U.S. International Trade Commission*, 264 F.3d 1094 (Fed. Cir. 2001). On November 21, 2001, the Federal Circuit issued its mandate in the investigation, thereby returning jurisdiction over the investigation to the Commission.

In order to assist the Commission in conducting its remand proceedings, parties to the investigation are requested to file comments concerning the appropriate actions for the Commission to take on remand. If a party believes that the Commission remedial orders must be modified, it is requested to file draft amended orders. Comments are due January 11, 2002. Reply comments are due two weeks after service of the main comments. Commission rule 210.8, 19 C.F.R. § 210.8, governs the filing of submissions.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337.

By order of the Commission.

Donna R. Koehnke
Secretary

Issued: December 21, 2001