

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

In the Matter of:)
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)
CERTAIN LENS-FITTED FILM PACKAGES) Investigation No. 337-TA-406,
) Consolidated Enforcement and
) Advisory Opinion Proceedings
)
)
)

NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL DETERMINATION
GRANTING-IN-PART A MOTION FOR SUMMARY DETERMINATION OF
INFRINGEMENT

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (ID) (Order No. 72) issued by the presiding administrative law judge (ALJ) granting-in-part complainant's motion for a summary determination that certain lens-fitted film packages (LFFPs) infringe certain claims of the patents at issue in the above-captioned proceedings.

FOR FURTHER INFORMATION CONTACT: Tim Monaghan, Esq., telephone 202-205-3152, 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 by several respondents in the importation and sale of certain LFFPs (*i.e.*, disposable cameras) that infringed one or more claims of 15 patents held by Fuji. 63 *Fed. Reg.* 14474. 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.

On June 27, 2001, Fuji filed a “Complaint for Enforcement Proceedings Under Rule 210.75, Petition for Modification Under Rule 210.76 and/or Request for Advisory Opinion Under Rule 210.79.” Fuji named as respondents 20 entities that were allegedly importing newly-manufactured LFFPs. Fuji later withdrew its allegations as to three respondents. Based on Fuji’s filing, the Commission determined to institute consolidated advisory opinion and enforcement proceedings. 66 *Fed. Reg.* 140721 (Aug. 3, 2001). Eight respondents who were not accused of importing, but simply held an opinion from the U.S. Customs Service advising that certain camera models could be imported under the Commission’s general exclusion order, were named as respondents in the advisory opinion proceedings only.

On September 6, 2001, Fuji moved pursuant to Commission rule 210.18 for summary determination that certain types of LFFPs infringe the claims of the patents at issue. On February 5, 2002, the ALJ issued an ID (Order No. 72) which granted-in-part Fuji’s motion for summary determination of infringement. There were no petitions for review of the ID and the Commission determined not to review it.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and section 210.18 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.18).

By order of the Commission.

Marilyn R. Abbott
Acting Secretary

Issued: February 28, 2002