

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C. 20436**

**In the Matter of**

**CERTAIN ELECTRONIC IMAGING  
DEVICES**

**Investigation No. 337-TA-726**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING JOINT MOTIONS TO TERMINATE THE  
INVESTIGATION AS TO RESPONDENTS NOKIA AND RIM**

**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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 35) granting both the joint motion of complainant FlashPoint Technology, Inc. of Peterborough, New Hampshire ("FlashPoint") and respondents Nokia Corp of Espoo, Finland and Nokia, Inc. of Irving, Texas (collectively "Nokia") to terminate the investigation as to Nokia and the joint motion of FlashPoint and Research In Motion Ltd. of Waterloo, Ontario and Research In Motion Corp. of Irving, Texas (collectively "RIM") to terminate the investigation as to RIM in Inv. No. 337-TA-726, *Certain Electronic Imaging Devices*.

**FOR FURTHER INFORMATION CONTACT:** Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-1999. Copies of non-confidential 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, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on July 13, 2010, based on a complaint filed by FlashPoint. *75 Fed. Reg.* 39971-2 (July 13, 2010). The complaint alleges violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electronic imaging devices by reason of infringement of certain claims of U.S. Patent Nos. 6,134,606; 6,163,816 ("the '816 patent"); and 6,262,769

(“the ‘769 patent”). The complaint further alleges the existence of a domestic industry. The Commission’s notice of investigation named Nokia and RIM; and HTC Corporation of Taoyuan, Taiwan; HTC America, Inc. of Bellevue, Washington; LG Electronics, Inc. of Seoul, South Korea; LG Electronic U.S.A., Inc. of Englewood Cliffs, New Jersey; and LG Electronics MobileComm U.S.A., Inc. of San Diego, California (collectively “Other Respondents”) as respondents. On October 12, 2010, the Commission terminated the investigation with respect to the ‘816 and ‘769 patents.

On March 22, 2011, FlashPoint and Nokia filed a joint motion to terminate the investigation as to Nokia on the basis of a patent license and settlement agreement. On March 30, 2011, FlashPoint and RIM filed a separate joint motion to terminate the investigation as to RIM on the basis of a patent license and settlement agreement.

On March 31, 2011, pursuant to Commission rules 210.15(c), 210.21, 210.50(b)(2), and Order No. 33, the Other Respondents filed a response to both joint motions for settlement, opposing a request of Flashpoint, Nokia, and RIM to keep the settlement and licensing agreements confidential between the parties to those agreements as to sections related to licensed products and licensing fees.

On April 1, 2011, FlashPoint, responding to Order No. 34, filed a response, arguing that the Other Respondents have not shown a legitimate need for the confidential information regarding the settlement agreements with Nokia and RIM. Also on April 1, 2011, Nokia responded in a filing pursuant to Order No. 34 that it takes no position on the contested issue. Also on April 1, 2011, the Commission investigative attorney filed a response to Order No. 34, stating that he did not oppose either of the joint motions for termination. He further argued that the confidential terms of the settlement agreements should not be disclosed.

On April 4, 2011, the ALJ issued the subject ID, granting under Commission Rule 210.21(b) the joint motions to terminate the investigation as to Nokia and RIM on the basis of the respective settlement agreements. The ALJ also denied the request of Other Respondents that FlashPoint be required to make public the portions of the settlement agreements related to licensed products and licensing fees. No petitions for review were filed.

The Commission has determined not to review the ID.

The authority for the Commission's determination is contained in Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and in section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

/s/  
James R. Holbein  
Acting Secretary to the Commission

Issued: April 19, 2011