

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 COMPLAINANT'S MOTION FOR SUMMARY  
DETERMINATION THAT IT SATISFIES THE ECONOMIC PRONG OF THE  
DOMESTIC INDUSTRY

**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. 18) granting complainant's motion for summary determination that it satisfies the economic prong of the domestic industry requirement 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 Technology, Inc. of Peterborough, New Hampshire ("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 Corp of Espoo, Finland; Nokia, Inc. of Irving, Texas; Research In Motion Ltd. of Waterloo, Ontario; Research In Motion Corp. of Irving, Texas; 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 “Respondents”) as respondents. On October 12, 2010, the Commission terminated the investigation with respect to the ‘816 and ‘769 patents.

On November 4, 2010, FlashPoint moved for summary determination that it satisfies the economic prong of the domestic industry requirement. On November 15, 2010, Respondents filed a joint opposition to the motion, requesting a continuance until after completion of additional discovery. Also on November 15, 2010, the Commission investigative attorney (“IA”) filed a response supporting the motion in part. On November 19, 2010, FlashPoint moved for leave to file a reply in further support of the motion, on the ground that respondents raised a new issue in requesting a continuance. On December 1, 2010, the ALJ issued Order No. 11, setting a cut-off date for discovery related to the economic prong of the domestic industry requirement and continuing FlashPoint’s motion for summary determination until after the conclusion of said discovery. The Order instructed Respondents to submit a supplemental response to FlashPoint’s motion by January 10, 2011, and FlashPoint and the IA to file responses to the supplemental response by January 13, 2011. The parties complied as ordered.

On February 7, 2011, the ALJ issued the subject ID, granting FlashPoint’s motion in full pursuant to Commission Rule 210.18(f) (19 C.F.R. § 210.18(f)). 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: March 8, 2011