

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 TERMINATING THE INVESTIGATION AS TO CERTAIN
CLAIMS OF U.S. PATENT NOS. 6,163,816 and 6,262,769**

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. 9) granting complainant's motion for partial termination of the investigation as to claims 40 and 41 of U.S. Patent No. 6,262,769 ("the '769 patent") and claims 6, 7, and 14 of U.S. Patent No. 6,163,816 ("the '816 patent") 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 various respondents.

On August 27, 2010, FlashPoint moved to partially terminate the investigation by withdrawing all allegations relating to claims 40 and 41 of the '769 patent. On September 10, 2010, FlashPoint further moved to partially terminate the investigation by withdrawing all allegations relating to claims 6, 7, and 14 of the '816 patent. Both motions were unopposed.

On September 15, 2010, the ALJ issued the subject ID, granting both of FlashPoint's motions to partially terminate the investigation as to claims 40 and 41 of the '769 patent and claims 6, 7, and 14 of the '816 patent pursuant to Commission Rule 210.21(a)(1) (19 C.F.R. § 210.21(a)(1)). 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/
William R. Bishop
Acting Secretary to the Commission

Issued: October 12, 2010