

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-703]

In the Matter of: Certain Mobile Telephones and Wireless Communication Devices Featuring Digital Cameras, and Components Thereof; Notice of Commission Determination That June 22, 2010, Initial Determination Is an Order Rather Than an Initial Determination

AGENCY: U.S. International Trade
Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined that the June 22, 2010, initial determination on claim construction (“ID”) issued by the presiding administrative law judge (“ALJ”) in the above-captioned investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”) is properly issued in the form of an order rather than an initial determination.

FOR FURTHER INFORMATION CONTACT: James A. Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 205-3065. 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, SW., Washington, DC 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) 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: This investigation was instituted on February 23, 2010, based upon a complaint filed on behalf of Eastman Kodak Company of Rochester, New York (“Kodak”) on January 14, 2010, and supplemented on February 4, 2010. 75 FR 8112. The complaint alleged violations of section 337 of the Tariff Act of 1930 (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 mobile telephones and wireless communication

devices featuring digital cameras, and components thereof, that infringe certain claims of U.S. Patent No. 6,292,218. The complaint named as respondents Apple, Inc., of Cupertino, Calif. (“Apple”); Research in Motion, Ltd., of Ontario, Canada; and Research in Motion Corp., of Irving, Texas (collectively, “RIM”).

On June 22, 2010, the ALJ issued the subject *Markman* hearing initial determination (“ID”), finding that a *Markman* ruling was appropriate in this case and that summary determination was an appropriate vehicle for that ruling. He then proceeded to construe certain terms of the asserted patent claims. ID 8–92.

On June 30, 2010, the parties filed four petitions and contingent petitions for review. On September 1, 2009, each of the parties filed responses thereto.

On July 22, 2010, the Commission issued notice of its determination to review the subject ID and requested briefing on the issues on review, including the following proposed analysis:

As used in rule 210.18(a), the term “issues to be determined in the investigation” can be viewed as limited to claims and affirmative defenses; a “part” of such an issue includes an element (or subpart thereof) of a claim or affirmative defense. Thus, the following could be a non-exhaustive list of examples of issues or parts thereof that are covered by rule 210.18(a): Violation, importation, infringement, domestic industry (technical or economic prong), invalidity on any basis (such as anticipation or obviousness), unenforceability. Claim construction may be a necessary underpinning to the resolution of certain issues or elements, and may be part of a summary determination that addresses an issue or element. On its own, however, claim construction might not be viewed as constituting such an issue or element.

75 FR 44282 (July 28, 2010).

On August 5, 2010, each of the parties filed a submission in response to the notice of review. On August 16, 2010, each of the parties filed a reply thereto.

Upon review of Commission rules 210.18 and 210.42, 19 CFR 210.18, 210.42, and the parties’ submissions, the Commission has determined that the June 22, 2010, initial determination on claim construction issued by the presiding administrative law judge is an order rather than an initial determination. Commission rule 210.42 does not include claim construction in the list of issues that must be decided in the form of an initial determination. Nor is claim construction properly the subject of a motion for summary determination under Commission rule 210.18 since claim construction, standing alone, is not an “issue” or “any part of an issue” within the meaning of

that rule. While the Commission finds that the rules are unambiguous, to the extent interpretation is required, the Commission determines in its discretion and in the interest of the expeditious conclusion of section 337 investigations that a ruling on claim construction is properly issued in the form of an order.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and under sections 210.18 and 210.42–.46 of the Commission’s Rules of Practice and Procedure (19 CFR 210.18, 210.42–.46).

By order of the Commission.

Issued: October 20, 2010.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010-26976 Filed 10-25-10; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-709]

In the Matter of: Certain Integrated Circuits, Chipsets, and Products Containing Same Including Televisions, Media Players, and Cameras; Notice of Commission Determination Not To Review an Initial Determination Granting a Motion To Amend the Complaint and Notice of Investigation

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. 20) issued by the presiding administrative law judge (“ALJ”) granting a motion filed by complainant Freescale Semiconductor, Inc. (“Freescale”) for leave to amend its complaint and the notice of investigation.

FOR FURTHER INFORMATION CONTACT: Paul M. Bartkowski, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708-5432. 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, SW., Washington, DC 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 April 2, 2010, based on a complaint filed by Freescale Semiconductor of Austin, Texas ("Freescale"). 75 FR 16837-38. 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 integrated circuits, chipsets, and products containing same including televisions, media players, and cameras by reason of infringement of certain claims of U.S. Patent Nos. 5,467,455; 5,715,014; and 7,199,306 ("the '306 patent"). The Commission's notice of investigation named numerous respondents.

The presiding administrative law judge issued the subject ID on September 30, 2010, granting Freescale's motion to amend the complaint and notice of investigation to (1) change the name of one respondent from BestBuy.com, Inc. to BestBuy.com, LLC; (2) correct the addresses of BestBuy.com, LLC and Best Buy Purchasing, LLC; and (3) terminate the investigation as to respondent Liberty Media Corp. No party filed a petition for review of the ID. The Commission has determined not to review the subject 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 part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: October 21, 2010.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010-27044 Filed 10-25-10; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-698]

In the Matter of Certain DC-DC Controllers and Products Containing Same; Notice of Commission Decision Not To Review an Initial Determination Terminating the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Corrected notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's initial determination ("ID") (Order No. 56) granting a joint motion to terminate the investigation as to one respondent and terminating the investigation in its entirety.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone (202) 708-2532. 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, SW., Washington, DC 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 December 29, 2009, based on a complaint filed by Richtek Technology Corp. (Taiwan) and Richtek USA, Inc. (San Jose, California) (collectively "Richtek"), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain DC-DC controllers by reason of infringement of certain claims of U.S. Patent Nos. 7,315,190; 6,414,470; and 7,132,717; and by reason of trade secret misappropriation. 75 FR 446 (Jan. 5, 2010). The complaint, as amended, named eight respondents: uPI Semiconductor Corp. (Taiwan) ("uPI"); Advanced Micro Devices, Inc. (Sunnyvale, California) ("AMD");

Sapphire Technology Ltd. (Hong Kong) ("Sapphire"); Best Data Products d/b/a Diamond Multimedia (Chatsworth, California) ("Diamond"); Eastcom, Inc. d/b/a XFX Technology USA (Rowland Heights, California) ("XFX"); Micro-Star International Co., Ltd. (Taiwan) and MSI Computer Corp. (City of Industry, California) (collectively, "MSI"); and VisionTek Products LLC (Inverness, Illinois) ("VisionTek"). See Second Am. Compl. ¶¶ 12-34 (May 20, 2010).

The investigation has been terminated by settlement agreement or consent order against all parties other than VisionTek: On July 12, 2010, the Commission determined not to review the ALJ's termination of the investigation as against AMD, Diamond, and XFX. On August 13, 2010, the Commission determined not to review the ALJ's termination of the investigation against uPI and Sapphire. On August 20, 2010, the Commission determined not to review the ALJ's termination of the investigation against the MSI respondents.

On July 27, 2010, VisionTek and Richek jointly moved to terminate the investigation based on a consent order stipulation and proposed consent order. The ALJ denied the motion. Order No. 51 (July 29, 2010). On August 5, 2010, VisionTek and Richtek jointly moved to terminate the investigation based on a settlement agreement. On August 17, 2010, the ALJ granted the motion. Order No. 56. Because VisionTek is the last respondent, termination against VisionTek results in termination of the investigation.

No petitions for review of the ID 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 sections 210.21(b) and 210.42 of the Commission's Rules of Practice and Procedure (19 CFR. 210.21(b), 210.42).

By order of the Commission.

Issued: October 21, 2010,

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 2010-27043 Filed 10-25-10; 8:45 am]

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