

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

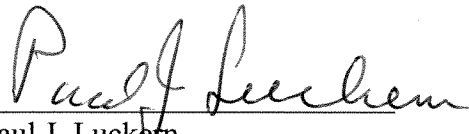
In the Matter of

CERTAIN MOBILE TELEPHONES AND
WIRELESS COMMUNICATION
DEVICES FEATURING DIGITAL
CAMERAS, AND COMPONENTS
THEREOF

Inv. No. 337-TA-703

Notice To The Parties

The Markman Hearing Initial Determination (ID) was filed on June 22, 2010. Attached are the title page, conclusions of law and the order, which are not confidential and which form a portion of said ID. For receiving said ID, see Commission rules 210.6 and 210.7. Counsel for complainant, respondents and the staff received a copy of this notice on June 22, 1010.



Paul J. Luckern
Chief Administrative Law Judge

Issued: June 22, 2010

PUBLIC VERSION

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

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Initial Determination

This is the administrative law judge's Markman hearing Initial Determination (ID) under Commission rule 210.42(c) relating to Motion Docket Nos. 703-11, 703-12, 703-13 and 703-14 for summary determinations and regarding claim construction of the claims in issue in the investigation.

CONCLUSIONS OF LAW

1. The claimed term “motion processor” is construed as a processor that processes a series of motion images using digital image processing that is different and distinct in circuitry from the digital image processing of the still processor and the claimed term “still processor” is construed as a processor that processes a captured still image using digital image processing that is different and distinct in circuitry from the digital image processing of the motion processor.
2. The claimed term “at least three different colors” is construed as referring to three or more distinct colors, for example red, blue and green, where each color is a phenomenon of light or visual perception that enables one to differentiate otherwise identical objects.
3. The claimed term “capture button” is construed as a user control physically located on the camera, though it need not be a mechanical element.
4. The claimed term “initiating capture of a still image while previewing the motion images” is construed as sending a signal from the capture button to the timing and controls section, said signal starting the still image capture process and being sent during the display of motion images.
5. The claimed phrase “each captured image having a first number of color pixel values provided in a first color pattern” is construed as each image of a scene received by the image sensor having a first number of color pixel values generated by the image sensor, provided in an arrangement of the color pixel values generated by the image sensor, where a color pixel value is a measurement of the intensity of one color of light.

6. The claimed phrase “captured image” is construed as an image of a scene received by the image sensor.
7. The claimed phrase “first number of color pixel values” is construed as the number of color pixel values generated by the image sensor, where a color pixel value is a measure of the intensity of one color.
8. The claimed phrase “first color pattern” is construed as the arrangement of the color pixel values generated by the image sensor.
9. Motion Nos. 703-11, 703-12, 703-13 and 703-14 are granted to the extent indicated in Conclusions Of Law 1-8.

ORDER

Based on the foregoing, and responding to Motion Nos. 703-11, 703-12, 703-13 and 703-14 for summary determination regarding the claim construction of the disputed language, as agreed upon by the parties, of the asserted claims of the '218 patent, the sole patent in issue in this investigation, this is the administrative law judge's Markman hearing initial determination. His claim construction, regarding said disputed language, are summarized in the Conclusions Of Law, supra.

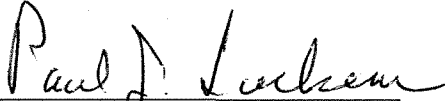
The administrative law judge hereby CERTIFIES to the Commission this Markman hearing initial determination. The filings of the parties related to Motion Nos. 703-11, 703-12, 703-13 and 703-14 for summary determination as well as the post-Markman hearing filing are not certified since they are already in the Commission's possession in accordance with Commission rules. However the administrative law judge is including with said determination the exhibit lists identified in the Procedural History, supra, as well as the demonstrative exhibits identified at the Markman hearing. All of the exhibits, reference in the filings as well as at the Markman hearing, including the demonstrative exhibits referenced at said hearing, have been filed with the Secretary.

Further it is Ordered that:

1. Counsel for the parties shall have in the hands of the administrative law judge those portions of this Markman hearing initial determination which contain bracketed confidential business information to be deleted from any public version of said determination, no later than June 30, 2010. Any such bracketed version shall not be served via facsimile on the administrative

law judge. If no such bracketed version is received from a party, it will mean that the party has no objection to removing the confidential status, in its entirety, from said determination.

2. This Markman hearing initial determination, pursuant to Commission rule 210.42(c), is hereby CERTIFIED to the Commission. Pursuant to Commission rule 210.42(h)(3), this Markman hearing initial determination shall become the determination of the Commission within thirty (30) days after the date of service hereof unless the Commission grants a petition for review of said determination pursuant to Commission rule 210.43, or orders on its own motion a review of this initial determination or of certain issues therein pursuant to Commission rule 210.44. As set forth in the Procedural History, supra, pursuant to Order No. 5, which issued on March 31, 2010, an evidentiary hearing on violation is set to commence on September 1, 2010 with prehearing statements by the private parties to be filed on August 4, 2010 and by the staff on August 18, 2010. Moreover, as set forth also in said Procedural History, Order No. 4, which issued on March 19, 2010, set a target date of May 23, 2011. Hence a final determination on claim construction on all claim language, or at least certain of the claim language, treated in said determination, before the commencement of the evidentiary hearing on violation on September 1, would lead to efficiencies at the violation hearing. Thus an early decision by the Commission on this initial determination is respectfully requested.


Paul J. Luckern
Chief Administrative Law Judge

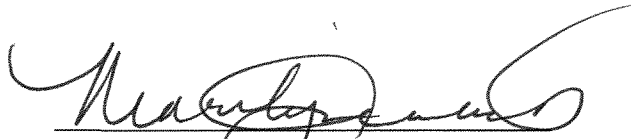
Issued: June 22, 2010

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COMMUNICATION DEVICES FEATURING DIGITAL
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Inv. No. 337-TA-703

PUBLIC CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **Notice To The Parties** has been served by hand upon the Commission Investigative Attorney, Vu Q. Bui, Esq., and the following parties as indicated, on June 22, 2010.



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