

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

In the Matter of

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

Inv. No. 337-TA-703

NOTICE OF INVESTIGATION

AGENCY: U.S. International Trade Commission

ACTION: Institution of investigation pursuant to 19 U.S.C. § 1337

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 14, 2010, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Eastman Kodak Company of Rochester, New York. A letter supplementing the complaint was filed on February 4, 2010. The complaint alleges violations of section 337 based upon 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 by reason of infringement of certain claims of U.S. Patent No. 6,292,218. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 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>.

FOR FURTHER INFORMATION CONTACT: Vu Q. Bui, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2582.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of

the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2009).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on February 16, 2010, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain mobile telephones or wireless communication devices featuring digital cameras, or components thereof that infringe one or more of claims 15 and 23-27 of U.S. Patent No. 6,292,218, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Eastman Kodak Company
343 State Street
Rochester, NY 14650

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Research In Motion, Ltd.
295 Phillip Street
Waterloo, Ontario
Canada N2L 3W8

Research In Motion Corporation
122 West John Carpenter Parkway
Suite 430
Irving, TX 75039

Apple Inc.
1 Infinite Loop
Cupertino, CA 95014

(c) The Commission investigative attorney, party to this investigation, is Vu Q. Bui, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(d)-(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.



Marilyn R. Abbott
Secretary to the Commission

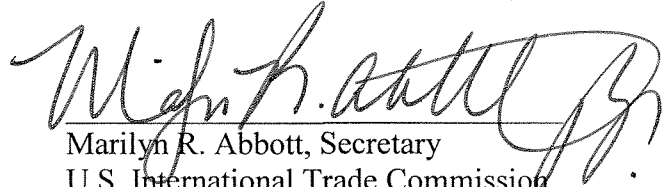
Issued: February 17, 2010

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337-TA-703

CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **NOTICE OF INVESTIGATION** has been served by hand upon the Commission Investigative Attorney, Vu Q. Bui, Esq., and the following parties as indicated, on
February 17, 2010



Marilyn R. Abbott, Secretary
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

Complainant:

Eastman Kodak Company
343 State Street
Rochester, NY 14650

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

On Behalf of Complainants:

Eric C. Rusnak, Esq.
K&L GATES LLP
1601 K Street, NW
Washington, DC 20006

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

Respondents:

Research In Motion, Ltd.
295 Phillip Street
Waterloo, Ontario
Canada N2L 3W8

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- INTERNATIONAL

Research In Motion Corporation
122 West John Carpenter Parkway
Suite 430
Irving, TX 75039

- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: _____

Apple Inc.
1 Infinite Loop
Cupertino, CA 95014

- Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

Embassies:

Embassy of Canada
501 Pennsylvania Avenue, NW
Washington, Dc 20001

- Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

Government Agencies:

Edward T. Hand, Chief
Foreign Commerce Section
Antitrust Division
U.S. Department of Justice
450 5th Street NW, Room 11000
Washington, DC 20530

- Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

U.S. Bureau of Customs and Border Protection
Intellectual Property Rights Branch
Mint Annex Building
799 9th Street, NW, 7th floor
Washington, DC 20229-1177

- Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

Elizabeth Kraus, Deputy Director
International Antitrust, Office of
International Affairs
Federal Trade Commission
600 Pennsylvania Avenue, Room 498
Washington, DC 20580

- Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____

Richard Lambert, Esq.
Office of Technology Development Services
~~Dept. of Health & Human Services~~
National Institutes of Health
6610 Rockledge Drive, Room 2800
Bethesda, MD 20892

- Via Hand Delivery
 Via Overnight Mail
 Via First Class Mail
 Other: _____