

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN ELECTRONIC DEVICES WITH
IMAGE PROCESSING SYSTEMS,
COMPONENTS THEREOF, AND
ASSOCIATED SOFTWARE**

Inv. No. 337-TA-724

**NOTICE REGARDING ISSUANCE OF FINAL INITIAL DETERMINATION AND
RECOMMENDED DETERMINATION ON REMEDY AND BOND**

(July 1, 2011)

On this date, the undersigned issued an Initial Determination on Violation of Section 337 and Recommended Determination on Remedy and Bond in the above-referenced Investigation. Attached are the opening pages from said filing, which are a matter of public record. A complete public version of the Initial Determination on Violation of Section 337 and Recommended Determination on Remedy and Bond will be issued when all the parties have submitted, and the undersigned has had an opportunity to review, the proposed redactions.

SO ORDERED.



E. James Gildea
Administrative Law Judge

UNITED STATES INTERNATIONAL TRADE COMMISSION

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INITIAL DETERMINATION ON VIOLATION OF SECTION 337 AND
RECOMMENDED DETERMINATION ON REMEDY AND BOND

Administrative Law Judge E. James Gildea

(July 1, 2011)

Appearances:

For the Complainants S3 Graphics Co. Ltd. and S3 Graphics Inc.:

Thomas Jarvis, Esq.; Donald Dunner, Esq.; John R. Alison, Esq.; Paul C. Goulet, Esq.; John M. Williamson, Esq.; Mike Kudravetz, Esq.; Jessica L. Cox, Esq.; John Crocetti, Esq.; and Aiden Skoyles, Esq. of Finnegan, Henderson, Farabow, Garrett & Dunner, LLP of Washington, D.C.

For the Respondent Apple Inc., a/k/a Apple Computer, Inc.:

Chris R. Ottenweller, Esq.; G. Hopkins Guy, III, Esq.; Vickie L Feeman, Esq.; Bas de Blank, Esq.; Jesse Y. Cheng, Esq.; Lillian J. Pan, Esq.; and An Doan, Esq. of Orrick, Herrington & Sutcliffe, LLP of Menlo Park, California.

Daniel N. Kassabian, Esq. of Orrick, Herrington & Sutcliffe, LLP of San Francisco, California.

Richard F. Martinelli, Esq. of Orrick, Herrington & Sutcliffe, LLP of New York, New York.

V. James Adduci, II, Esq.; Andrew F. Pratt, Esq.; and Jonathan J. Engler, Esq. of Adduci, Mastriani & Schaumberg, L.L.P. of Washington, D.C.

Eric Namrow, Esq.; and George Riley, Esq. of O'Melveny & Myers LLP of Washington, D.C.

For the Commission Investigative Staff:

Lynn I. Levine, Esq., Director; Thomas Fusco, Esq., Supervisory Attorney; and Kecia J. Reynolds, Esq., Investigative Attorney, of the Office of Unfair Import Investigations, U.S. International Trade Commission, of Washington, D.C.

Pursuant to the Notice of Investigation, 75 Fed. Reg. 38118 (July 1, 2010), this is the Initial Determination of the Investigation in the Matter of Certain Electronic Devices with Image Processing Systems, Components Thereof, and Associated Software, United States International Trade Commission Investigation No. 337-TA-724. *See* 19 C.F.R. § 210.42(a).

With respect to Respondent Apple Inc., it is held that no violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), has occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation, of certain electronic devices with image processing systems, components thereof, and associated software by reason of infringement of claims 1 and 6 of United States Patent No. 7,043,087.

With respect to Respondent Apple Inc., it is held that no violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), has occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation, of certain electronic devices with image processing systems, components thereof, and associated software by reason of infringement of claims 7, 12, 15, and 23 of United States Patent No. 6,775,417.

With respect to Respondent Apple Inc., it is held that no violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), has occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation, of certain electronic devices with image processing systems, components thereof, and associated software by reason of infringement of claims 14 and 16 of United States Patent No. 6,683,978, but that a violation has occurred by reason of infringement of claim 11 of United States Patent No. 6,683,978.

With respect to Respondent Apple Inc., it is held that no violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), has occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation, of certain electronic devices with image processing systems, components thereof, and associated software by reason of infringement of claim 13 of United States Patent No. 6,658,146, but that a violation has occurred by reason of infringement of claims 4 and 16 of United States Patent No. 6,658,146.


It is further held that a domestic industry exists that practices U.S. Patent Nos. 7,043,087, 6,775,417, 6,683,978, and 6,658,146.

**IN THE MATTER OF CERTAIN ELECTRONIC
DEVICES WITH IMAGE PROCESSING
SYSTEMS, COMPONENTS THEREOF, AND
ASSORTED SOFTWARE**

337-TA-724

PUBLIC CERTIFICATE OF SERVICE

I, James R. Holbein, hereby certify that the attached **NOTICE** has been served by hand upon the Commission Investigative Attorney, **Kecia J. Reynolds, Esq.**, and the following parties as indicated on July 1, 2011.



James R. Holbein
Secretary to the Commission
U.S. International Trade Commission
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FOR COMPLAINANTS S3 GRAPHICS CO., LTD. AND S3 GRAPHICS, INC.:

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CERTIFICATE OF SERVICE – PAGE TWO

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