

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

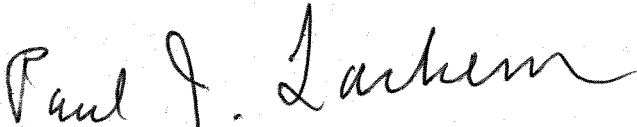
In the Matter of

CERTAIN ELECTRONIC IMAGING
DEVICES

Inv. No. 337-TA-726

Notice To The Parties

The Final Initial and Recommended Determinations (ID) were filed on July 27, 2011. Attached are the title page, conclusions of law and the order, which are not confidential and which form a portion of said determinations. For receiving said ID, see Commission rules 210.6 and 210.7. Counsel for complainant, respondents HTC and the staff received a copy of this notice on July 27, 2011.



Paul J. Luckem
Chief Administrative Law Judge

Issued: July 27, 2011

PUBLIC VERSION

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN ELECTRONIC IMAGING
DEVICES

Inv. No. 337-TA-726

Final Initial and Recommended Determinations

This is the administrative law judge's Final Initial Determination under Commission rule 210.42. The administrative law judge, after a review of the record developed, finds inter alia that there is jurisdiction and that there is no violation of section 337 of the Tariff Act of 1930, as amended.

This is also the administrative law judge's Recommended Determination on remedy and bonding, pursuant to Commission rules 210.36(a) and 210.42(a)(1)(ii). Should the Commission find a violation, the administrative law judge recommends the issuance of a limited exclusion order, with certification provision, barring entry into the United States of infringing electronic imaging devices. The imposition of any bond during the Presidential Review period is not recommended.

CONCLUSIONS OF LAW

1. The Commission has in personam, in rem and subject matter jurisdiction.
2. There has been an importation of accused electronic imaging devices into the United States which are the subject of the unfair trade allegations.
3. It has not been established that the asserted claims of the '769 and '816 patents are invalid in view of prior art.
4. It has been established that the asserted claims of the '816 patent are invalid under §102(b) (On Sale Bar).
5. Complainant has failed to show that the asserted claims of the '769 and '816 patents are infringed.
6. Complainant has not established a domestic industry with respect to either of the '769 or '816 patents.
7. The '769 patent is not entitled to an early invention date.
8. Complainant's rights under the '816 and '769 patents are not exhausted with respect to respondents HTC's accused Windows Phone 7 products.
9. The evidence establishes that there is no violation of section 337.
10. In the event a violation of section 337 is found, a limited exclusion order with certification provisions is recommended. However no bond is recommended.

ORDER

Based on the foregoing, and the record as a whole, it is the administrative law judge's Final Initial Determination that there is no violation of section 337 in the importation into the United States, sale for importation, and sale within the United States after importation of certain electronic imaging devices. It is also the administrative law judge's recommendation, should a violation be found, that a limited exclusion order issue barring entry into the United States of infringing electronic imaging devices. The administrative law judge does not recommend any bond should a violation be found.

The administrative law judge hereby CERTIFIES to the Commission his Final Initial and Recommended Determinations. The briefs of the parties, filed with the Secretary, are not certified, since they are already in the Commission's possession in accordance with Commission rules.

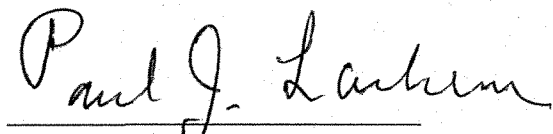
Further it is ORDERED that:

1. In accordance with Commission rule 210.39, all material heretofore marked in camera because of business, financial and marketing data found by the administrative law judge to be cognizable as confidential business information under Commission rule 201.6(a), is to be given in camera treatment continuing after the date this investigation is terminated.

2. Counsel for the parties shall have in the hands of the administrative law judge those portions of the final initial and recommended determinations which contain bracketed confidential business information to be deleted from any public version of said determinations, no later than August 12, 2011. 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 these initial and

recommended determinations.

3. The initial determination portion of the Final Initial and Recommended Determinations, issued pursuant to Commission rules 210.42(a) and 210.42-46, shall become the determination of the Commission, unless the Commission, shall have ordered its review of certain issues therein or by order has changed the effective date of the initial determination portion. The recommended determination portion, issued pursuant to Commission rule 210.42(a)(1)(ii), will be considered by the Commission in reaching a determination on remedy pursuant to Commission rule 210.50(a).




Paul J. Lucken
Chief Administrative Law Judge

Issued: July 27, 2011

CERTIFICATE OF SERVICE

I, James R. Holbein, hereby certify that the attached **Notice To The Parties** has been served by hand upon the Commission Investigative Attorney, and the following parties as indicated, on July 28, 2011.



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