

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

In the Matter of

**CERTAIN ELECTRONIC IMAGING
DEVICES**

Investigation No. 337-TA-850

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING FLASHPOINT TECHNOLOGY, INC.'S
MOTION FOR TERMINATION OF CERTAIN CLAIMS**

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 the administrative law judge's ("ALJ") initial determination ("ID") (Order No. 25) granting a motion to terminate the investigation as to claims 3, 5, 8, and 10 of U.S. Patent No. 6,400,471; claims 21 and 22 of U.S. Patent No. 6,222,538; and claims 14, 20-26, 28, 29, 31-33, 36, 37, 39, 42, 43, 46-48, and 52-56 of U.S. Patent No. 6,223,190.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2392. 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, S.W., Washington, D.C. 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 June 29, 2012, based on a complaint filed by FlashPoint Technology, Inc. ("FlashPoint") of Peterborough, New Hampshire alleging violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) by reason of infringement of certain claims of U.S. Patent No. 6,400,471 ("the '471 patent"); U.S. Patent No. 6,222,538 ("the '538 patent"); U.S. Patent No. 6,504,575 (subsequently terminated); and U.S. Patent No. 6,223,190 ("the '190 patent"). The notice of investigation named HTC Corporation of Taoyuan, Taiwan; HTC America, Inc. of Bellevue, Washington; Pantech Co., Ltd. of Seoul, Republic of Korea; Pantech Wireless, Inc. of Atlanta, Georgia; Huawei Technologies Co., Ltd. of Shenzhen, China; FutureWei Technologies, Inc. d/b/a Huawei Technologies (USA) of Plano, Texas; ZTE Corporation of Shenzhen, China; and ZTE (USA) Inc. of Richardson, Texas. The Office of Unfair Import Investigations is not

participating in this investigation.

On April 11, 2013, the ALJ issued the subject ID (Order No. 25) granting FlashPoint's motion to terminate the investigation in part as to claims 3, 5, 8, and 10 of the '471 patent; claims 21 and 22 of the '538 patent; and claims 14, 20-26, 28, 29, 31-33, 36, 37, 39, 42, 43, 46-48, and 52-56 of the '190 patent. The ALJ noted that FlashPoint represented that there are no agreements, written or oral, express or implied that concern the subject matter of the investigation. The ALJ determined that there were no extraordinary circumstances that would prevent the termination requested by FlashPoint and that public policy supports termination. None of the parties petitioned for review of the ID.

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 section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

/s/

Lisa R. Barton
Acting Secretary to the Commission

Issued: May 1, 2013