

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**

Investigation No. 337-TA-703

**NOTICE OF COMMISSION DECISION
TO GRANT RESPONDENTS' MOTION
FOR LEAVE TO FILE A PETITION FOR RECONSIDERATION
AND SETTING A DATE FOR RESPONSES**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to grant a motion for leave to file a petition for reconsideration, and has set August 5, 2011 as the deadline for filing any responses to the petition under 19 C.F.R. § 210.47.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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: This investigation was instituted on February 23, 2010, based upon a complaint filed on behalf of Eastman Kodak Company of Rochester, New York ("Kodak") on January 14, 2010, and supplemented on February 4, 2010. *75 Fed. Reg.* 8112. The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in 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, that infringe, *inter alia*, claim 15 of U.S.

Patent No. 6,292,218 (“the ’218 patent”). The complaint named as respondents Apple, Inc., of Cupertino, California (“Apple”); Research in Motion, Ltd., of Ontario, Canada; and Research in Motion Corp., of Irving, Texas (collectively, “RIM”).

On January 24, 2011, the Administrative Law Judge (“ALJ”) issued a final Initial Determination (“ID”) finding no violation of section 337. On June 30, 2011, the Commission determined to affirm-in-part, reverse-in-part, and remand-in-part the findings in the ID. The notice explained that the “Commission’s determination and reasons therefore will be further detailed in the Commission’s forthcoming opinion.” On July 8, 2011, the Commission issued its opinion, which “set[] out the reasons for the Commission’s action” in the notice.

On July 25, 2011, RIM filed a petition for reconsideration of certain issues. That petition was filed within fourteen days of service of the Commission opinion, but not within fourteen days of service of the Commission notice. On July 26, 2011, RIM filed a motion for leave to file that petition out of time. That motion explained that good cause existed in light of the fact that the Commission opinion issued one week after the Commission notice, and the grounds for RIM’s petition were set forth substantially in the opinion rather than the notice.

The Commission determination was the Commission notice. Accordingly, petitions for reconsideration were due within fourteen days of service of the Commission notice. 19 C.F.R. § 210.47. Nonetheless, RIM has established good cause here for filing its petition within fourteen days of the Commission opinion. The Commission hereby grants RIM’s motion for leave to file its petition. Any responses to RIM’s petition are to be filed on or by August 5, 2011.

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 Part 210 of the of the Commission’s Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.

/s/
James R. Holbein
Secretary to the Commission

Issued: July 29, 2011