

**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 TO REVIEW AN INITIAL  
DETERMINATION GRANTING A JOINT MOTION TO TERMINATE THE  
INVESTIGATION AS TO PANTECH CO., LTD. AND PANTECH WIRELESS, INC.  
BASED ON A CONSENT ORDER AND REMAND OF THE INITIAL  
DETERMINATION TO THE ADMINISTRATIVE LAW JUDGE**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review the administrative law judge's ("ALJ") initial determination ("ID") (Order No. 21) granting a joint motion to terminate the investigation as to Pantech Co., Ltd. and Pantech Wireless, Inc. based on a consent order. The Commission has also determined to remand the initial determination to the ALJ to allow the parties to file a renewed motion to terminate once they have executed the final agreement or agreements incorporated by the consent order.

**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; U.S. Patent No. 6,222,538; U.S. Patent No. 6,504,575; and U.S. Patent No. 6,223,190. The notice of investigation named HTC Corporation of Taoyuan, Taiwan; HTC America, Inc. of Bellevue,

Washington; Pantech Co., Ltd. of Seoul, Republic of Korea and Pantech Wireless, Inc. of Atlanta, Georgia (collectively, “Pantech”); 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.

On March 5, 2013, the ALJ issued an ID granting a joint motion filed by FlashPoint and Pantech to terminate the investigation as to Pantech based on a consent order. The consent order incorporates a Letter of Intent (“LOI”) between FlashPoint and Pantech. No petition for review of the subject ID was filed.

The Commission has determined to review the subject ID. In their consent order stipulation, FlashPoint and Pantech represent that Pantech shall not sell for importation, import into the United States, or sell in the United States after importation the electronic imaging devices that are within the scope of the Notice of Investigation, except as permitted pursuant to the terms of the LOI and resulting agreements. The LOI states that FlashPoint and Pantech will proceed diligently to prepare a final agreement or agreements in accordance with the terms and conditions described in the LOI. Because the terms of the consent order are not yet final and FlashPoint and Pantech do not appear to have executed a final agreement or agreements, the Commission is unable to fully assess compliance with §§ 210.21(c)(2) and 210.50(b)(2) for termination of the investigation as to Pantech based on the consent order. Accordingly, the Commission has determined to remand the initial determination to the ALJ to allow FlashPoint and Pantech to file a renewed motion to terminate once they have executed the final agreement or agreements.

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 sections 210.42, 210.44 and 210.45 of the Commission’s Rules of Practice and Procedure (19 C.F.R. §§ 210.42, 210.44, 210.45).

By order of the Commission.

/s/  
Lisa R. Barton  
Acting Secretary to the Commission

Issued: April 2, 2013