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Investigation Number: 337-796

Investigation Phase Violation
Investigation Type Sec 337
Investigation Title Certain Electronic Digital Media Devices and Components Thereof;
Inv. No. 337-TA-796

Submitter Information

Filed By Thomas B. Pender
Firm / Organization USITC
Filed On Behalf Of Administrative Law Judge
Submitted By bernard

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN ELECTRONIC DIGITAL MEDIA
DEVICES AND COMPONENTS THEREOF**

Inv. No. 337-TA-796

Notice Regarding Initial Determination on Violation of Section 337

(October 24, 2012)

On this date, I issued an initial determination on violation of section 337 and recommended determination in the above-referenced investigation. Below are the first page and the conclusions of law from said filing, which are a matter of public record. A complete public version of the Initial Determination will issue when all the parties have submitted their redactions and I have had an opportunity to review the redactions.

SO ORDERED.

A handwritten signature in black ink, reading "Thomas B. Pender". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Thomas B. Pender
Administrative Law Judge

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN ELECTRONIC DIGITAL MEDIA
DEVICES AND COMPONENTS THEREOF

Inv. No. 337-TA-796

INITIAL DETERMINATION ON VIOLATION OF SECTION 337

Administrative Law Judge Thomas B. Pender

(October 24, 2012)

Pursuant to the Notice of Investigation and Rule 210.42(a) of the Rules of Practice and Procedure of the United States International Trade Commission, this is my Initial Determination in the matter of Certain Electronic Digital Media Devices and Components Thereof, Investigation No. 337-TA-796.

The Administrative Law Judge hereby determines that a violation of Section 337 of the Tariff Act of 1930, as amended, has been found in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain electronic digital media devices and components thereof, in connection the claim of U.S. Patent No. D618,678; claims 1, 4-6, and 10-20 of U.S. Patent No. 7,479,949; claims 29, 30, and 33-35 of U.S. Patent No. RE41,922; and claims 1-4 and 8 of U.S. Patent No. 7,912,501.

The Administrative Law Judge hereby determines that no violation of Section 337 of the Tariff Act of 1930, as amended, has been found in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain electronic digital media devices and components thereof, in connection with the claim of U.S. Patent No. D558,757; and claims 13 and 14 of U.S. Patent No. 7,789,697.

Furthermore, the Administrative Law Judge hereby determines that a domestic industry in the United States does exist that practices or exploits U.S. Patent Nos. D558,757; D618,678; 7,479,949; RE41,922; and 7,912,501, but that a domestic industry in the United States does not exist that practices or exploits U.S. Patent Nos. 7,789,697.

XII. Conclusions of Law

1. The Commission has personal jurisdiction over the parties, and subject-matter jurisdiction over the accused products.
2. The importation or sale requirement of Section 337 is satisfied.
3. The D'757 Accused Products do not infringe the claim of U.S. Patent No. D558,757.
4. The claim of the D'757 patent is not invalid as obvious under 35 U.S.C. § 103.
5. The D'757 Domestic Industry Products practice the D'757 patent.
6. The domestic industry requirement is satisfied with respect to the D'757 patent.
7. The D'678 Accused Products (except the Galaxy S II (SGH-T989)) infringe the claim of the D'678 patent.
8. The Galaxy S II (SGH-T989) does not infringe the claim of the D'678 patent.
9. The claim of the D'678 patent is not invalid as obvious under 35 U.S.C. § 103.
10. The D'678 patent is not invalid.
11. The D'678 Domestic Industry Products practice the D'678 patent.
12. The domestic industry requirement is satisfied with respect to the D'678 patent.
13. The '949 Accused Products infringe claims 1, 4-6, and 10-20 of the '949 patent.
14. Samsung induces other to infringe claims 1, 4-6, and 10-20 of the '949 patent.
15. Samsung does not contribute to the infringement of claims 1, 4-6, and 10-20 of the '949 patent.
16. The '949 Design Around Products do not infringe claims 1, 4-6, and 10-20 of the '949 patent.
17. Claims 1, 4-6, and 10-20 of the '949 patent are not invalid as anticipated under 35 U.S.C. § 102.
18. Claims 1, 4-6, and 10-20 of the '949 patent are not invalid as obvious under 35 U.S.C. § 103.
19. The '949 patent satisfies the written description requirement of 35 U.S.C. § 112.
20. The '949 patent satisfies the enablement requirement of 35 U.S.C. § 112.

21. The '949 Domestic Industry Products practice the '949 patent.
22. The domestic industry requirement is satisfied with respect to the '949 patent.
23. The '922 Accused Products infringe claims 29, 30, 33-35 of the '922 patent.
24. The '922 Accused Products do not infringe claims 30 and 31 of the '922 patent.
25. Samsung induces others to infringe claims 29-35 of the '922 patent.
26. Samsung does not contribute to the infringement of claims 29-35 of the '922 patent.
27. The '922 Design Around Products do not infringe claims 29-35 of the '922 patent.
28. Claims 29-35 of the '922 patent are not invalid as anticipated under 35 U.S.C. § 102.
29. Claims 29-35 of the '922 patent are not invalid as obvious under 35 U.S.C. § 103.
30. The '922 Domestic Industry Products practice the '922 patent.
31. The domestic industry requirement is satisfied with respect to the '922 patent.
32. The Continuum SCH-I400 infringes claims 1-4 and 8 of the '501 patent.
33. The Transform SPH-M920; Acclaim SCH-R880; Epic 4G SPH-D700; Indulge SCH-R910; Indulge SCH-R915; and Intercept SPH-M910 infringe claims 1 and 2 of the '501 patent.
34. The Transform SPH-M920; Acclaim SCH-R880; Epic 4G SPH-D700; Indulge SCH-R910; Indulge SCH-R915; and Intercept SPH-M910 do not literally infringe claim 4 of the '501 patent
35. The Transform SPH-M920; Acclaim SCH-R880; Epic 4G SPH-D700; Indulge SCH-R910; Indulge SCH-R915; and Intercept SPH-M910 do not infringe claim 4 of the '501 patent under the doctrine of equivalents.
36. The Galaxy Tab 7.0 SCH-I800; the Caliber SCH-R850; the Captivate SGH-I897; the Captivate Glide SCH-I927; the Droid Charge SCH-I510; the Exhibit 4G SGH-T759; the Exhibit II 4G SGH-T679; the Fascinate SCH-I500; the Focus SGH-I917; the Galaxy Ace (S5830L); the Galaxy Player 5.0 YP-G70C/NAW; the Galaxy Player 4.0 YP-G1CWW; the Galaxy S 4G SGH-T959V; the Galaxy S II SGH-I777; the Galaxy Tab 7.0 SGH-T849; the Galaxy Tab 7.0 SGH-T869; the Galaxy Tab 7.0 SGH-I987; the Galaxy Tab 7.0 SPH-P100; the Galaxy Tab 7.0 SGT-P1010/W16; the Galaxy Tab 7.0 Plus GT-P6210; the Galaxy Tab 8.9 SGH-I957; the Galaxy Tab 8.9 GT-P7310/M16; the Galaxy Tab 10.1 SGH-T859; the Galaxy Tab 10.1 SCH-I905; the Galaxy Tab 10.1 GT-P7510/M16; the Gravity SGH-T589; the Infuse 4G SGH-I997;

the Mesmerize SCH-I500; the Nexus S GTI9020; the Nexus S GT-I9020A; the Nexus S GT-I9020T; the Omnia II SCH-I920; the Repp SCH-R680; the Showcase SCH-I500; the Sidekick SGH-T839; the Stratosphere SCH-I405; the Suede SCH-R710; the Transfix SCH-R730; the Transform Ultra SPH-M930; and the Vibrant SGH-T959 do not literally infringe claim 1 of the '501 patent.

37. The Galaxy Tab 7.0 SCH-1800; the Caliber SCH-R850; the Captivate SGH-I897; the Captivate Glide SCH-I927; the Droid Charge SCH-I510; the Exhibit 4G SGH-T759; the Exhibit II 4G SGH-T679; the Fascinate SCH-I500; the Focus SGH-I917; the Galaxy Ace (S5830L); the Galaxy Player 5.0 YP-G70C/NAW; the Galaxy Player 4.0 YP-G1CWY; the Galaxy S 4G SGH-T959V; the Galaxy S II SGH-1777; the Galaxy Tab 7.0 SGH-T849; the Galaxy Tab 7.0 SGH-T869; the Galaxy Tab 7.0 SGH-I987; the Galaxy Tab 7.0 SPH-P100; the Galaxy Tab 7.0 SGT-P1010/W16; the Galaxy Tab 7.0 Plus GT-P6210; the Galaxy Tab 8.9 SGH-I957; the Galaxy Tab 8.9 GT-P7310/M16; the Galaxy Tab 10.1 SGH-T859; the Galaxy Tab 10.1 SCH-I905; the Galaxy Tab 10.1 GT-P7510/M16; the Gravity SGH-T589; the Infuse 4G SGH-I997; the Mesmerize SCH-I500; the Nexus S GTI9020; the Nexus S GT-I9020A; the Nexus S GT-I9020T; the Omnia II SCH-I920; the Repp SCH-R680; the Showcase SCH-I500; the Sidekick SGH-T839; the Stratosphere SCH-I405; the Suede SCH-R710; the Transfix SCH-R730; the Transform Ultra SPH-M930; and the Vibrant SGH-T959 do not infringe claim 1 of the '501 patent under the doctrine of equivalents.
38. The Galaxy Tab 7.0 SCH-1800; the Caliber SCH-R850; the Captivate SGH-I897; the Captivate Glide SCH-I927; the Droid Charge SCH-I510; the Exhibit 4G SGH-T759; the Exhibit II 4G SGH-T679; the Fascinate SCH-I500; the Focus SGH-I917; the Galaxy Ace (S5830L); the Galaxy Player 5.0 YP-G70C/NAW; the Galaxy Player 4.0 YP-G1CWY; the Galaxy S 4G SGH-T959V; the Galaxy S II SGH-1777; the Galaxy Tab 7.0 SGH-T849; the Galaxy Tab 7.0 SGH-T869; the Galaxy Tab 7.0 SGH-I987; the Galaxy Tab 7.0 SPH-P100; the Galaxy Tab 7.0 SGT-P1010/W16; the Galaxy Tab 7.0 Plus GT-P6210; the Galaxy Tab 8.9 SGH-I957; the Galaxy Tab 8.9 GT-P7310/M16; the Galaxy Tab 10.1 SGH-T859; the Galaxy Tab 10.1 SCH-I905; the Galaxy Tab 10.1 GT-P7510/M16; the Gravity SGH-T589; the Infuse 4G SGH-I997; the Mesmerize SCH-I500; the Nexus S GTI9020; the Nexus S GT-I9020A; the Nexus S GT-I9020T; the Omnia II SCH-I920; the Repp SCH-R680; the Showcase SCH-I500; the Sidekick SGH-T839; the Stratosphere SCH-I405; the Suede SCH-R710; the Transfix SCH-R730; the Transform Ultra SPH-M930; and the Vibrant SGH-T959 do not infringe claims 2-4, and 8 of the '501 patent.
39. The Galaxy S II SGH-T989; the Epic 4G Touch SPH-D710; the Focus Flash SGH-I677; the Focus S SGH-I937; the Galaxy Nexus SCH-I515; the Galaxy S II SGH-T989; the Galaxy S II Skyrocket SGH-I727; the Illusion SCH-I110; and the Note GT-N7000 do not infringe claims 1-4 and 8 of the '501 patent.
40. The '501 Design Around Product does not infringe claims 1-4 and 8 of the '501 patent.

41. Claims 1-4 and 8 of the '501 patent are not invalid as anticipated under 35 U.S.C. § 102.
42. Claims 1-4 and 8 of the '501 patent are not invalid as obvious under 35 U.S.C. § 103.
43. The '501 Domestic Industry Products practice the '501 patent.
44. The domestic industry requirement is satisfied with respect to the '501 patent.
45. The '697 Accused Products do not infringe claims 13 and 14 of the '697 patent.
46. The '697 Design Around Product does not infringe claims 13 and 14 of the '697 patent.
47. Claims 13 and 14 of the '697 patent are not invalid as anticipated under 35 U.S.C. § 102.
48. Claims 13 and 14 of the '697 patent are not invalid as obvious under 35 U.S.C. § 103.
49. The '697 patent satisfies the written description requirement of 35 U.S.C. § 112.
50. The '697 patent satisfies the enablement requirement of 35 U.S.C. § 112.
51. The '697 patent is not indefinite under 35 U.S.C. § 112.
52. The '697 Domestic Industry Products do not practice the '697 patent.
53. The domestic industry requirement is not satisfied with respect to the '501 patent.
54. There has been no violation of Section 337 with respect to the D'757 patent.
55. There has been a violation of Section 337 with respect to the D'678 patent.
56. There has been a violation of Section 337 with respect to the '949 patent.
57. There has been a violation of Section 337 with respect to the '922 patent.
58. There has been a violation of Section 337 with respect to the '501 patent.
59. There has been no violation of Section 337 with respect to the '697 patent.

**IN THE MATTER OF CERTAIN ELECTRONIC DIGITAL MEDIA 337-TA-796
DEVICES AND COMPONENTS THEREOF**

CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served upon,
Reginald D. Lucas, Esq., Commission Investigative Attorney, and the following parties via first
class mail and air mail where necessary on _____, **2012**.

Lisa R. Barton, Acting Secretary
U.S. International Trade Commission
500 E Street, S.W., Room 112A
Washington, DC 20436

FOR COMPLAINANT APPLE INC..

Alexander J. Hadjis, Esq.
MORRISON & FOERSTER LLP
2000 Pennsylvania Avenue, NW, Suite 6000
Washington, DC 20006

() Via Hand Delivery
() Via Overnight Mail
() Via First Class Mail
() Other: _____

**FOR RESPONDENTS' SAMSUNG ELECTRONICS, CO., LTD; SAMSUNG
ELECTRONICS AMERICA, INC.; SAMSUNG TELECOMMUNICATIONS AMERICA,
LLC:**

S. Alex Lasher, Esq.
**QUINN EMANUEL URQUHART &
SULLIVAN, LLP**
1299 Pennsylvania Avenue N.W.
Washington, DC 20004

() Via Hand Delivery
() Via Overnight Mail
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PUBLIC MAILING LIST

Heather Hall
LEXIS - NEXIS
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Miamisburg, OH 45342

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THOMSON WEST
1100 – 13th Street NW
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