

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

In the Matter of

**CERTAIN PRINTING AND IMAGING
DEVICES AND COMPONENTS
THEREOF**

Investigation No. 337-TA-690

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING-IN-PART RESPONDENTS' MOTION FOR
SUMMARY DETERMINATION OF INVALIDITY OF CERTAIN CLAIMS OF
U.S. PATENT NOS. 6,388,771; 6,209,048; AND 5,764,866 FOR FAILURE TO
COMPLY WITH 35 U.S.C. § 112, SIXTH PARAGRAPH.**

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 an initial determination ("ID") (Order No. 29) of the presiding administrative law judge ("ALJ") granting-in-part respondents' motion for summary determination of invalidity of certain claims of United States Patent Nos. 6,388,771; 6,209,048; and 5,764,866 for failure to comply with 35 U.S.C. § 112, sixth paragraph.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3042. 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 October 26, 2009, based on a complaint filed by Ricoh Company, Ltd. of Tokyo, Japan; Ricoh Americas Corporation of West Caldwell, New Jersey; and Ricoh Electronics, Inc. of Tustin, California (collectively, "Ricoh") on September 18, 2009, and supplemented on October 9, 2009. 74 *Fed. Reg.* 55065 (Oct. 26, 2009). The complaint, as supplemented, alleges 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 printing and imaging devices and components thereof by reason of infringement of various claims of United States Patent Nos. 5,764,866; (“the ’866 patent”); 6,388,771 (“the ’771 patent”); 6,209,048 (“the ’048 patent”); 6,212,343; and 5,863,690. The complaint names Oki Data Corporation of Tokyo, Japan and Oki Data Americas, Inc. of Mount Laurel, New Jersey (collectively, “Oki Data”) as respondents.

On March 15, 2010, Oki Data filed a motion for summary determination of invalidity, alleging that certain claims of the ’771, ’048, and ’866 patents recite means-plus-function language and that those claims are invalid for failing to comply with 35 U.S.C. § 112, sixth paragraph. On March 26, 2010, Ricoh filed a response opposing the motion. That same day, the Commission Investigative Attorney filed a response in support of the motion.

On May 4, 2010, the ALJ granted Oki Data’s motion in part. Specifically, the ALJ found that the claim term “means for preparing” recited in asserted claim 3 of the ’771 patent lacks adequate description in the specification of a structure that performs the limitation and found the claim invalid. 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/
William R. Bishop
Acting Secretary to the Commission

Issued: May 21, 2010