

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN DIGITAL CAMERAS,
SOFTWARE, AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1059

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING THE INVESTIGATION WITH
RESPECT TO TWO ENTIRE PATENTS AND CERTAIN CLAIMS FROM
THREE ADDITIONAL PATENTS**

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. 23) issued by the presiding administrative law judge (“ALJ”) on October 3, 2017, terminating the investigation with respect to two entire patents and certain claims from three additional patents based on the complainants’ partial withdrawal of the complaint.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 708-5468. 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, SW., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://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 2, 2017, based on a complaint filed by Carl Zeiss AG of Oberkochen, Germany, and ASML Netherlands B.V. of Veldhoven, Netherlands (together, “Complainants”). 82 FR 25627-28. The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“section 337”), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain

digital cameras, software, and components thereof that infringe U.S. Patent Nos. 6,301,440 (“the ’440 patent”); 6,463,163 (“the ’163 patent”); 6,714,241; 6,731,335 (“the ’335 patent”); 6,834,128 (“the ’128 patent”); 7,297,916; and 7,933,454 (“the ’454 patent”). *Id.* The Commission’s notice of investigation named as respondents Nikon Corporation of Tokyo, Japan; Sendai Nikon Corporation of Natori, Japan; Nikon Inc. of Melville, New York; Nikon (Thailand) Co., Ltd. of Ayutthaya, Thailand; Nikon Imaging (China) of Co., Ltd. of Wuxi, China; and PT Nikon Indonesia, Jakarta, Indonesia. *Id.* at 25627. The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

On October 2, 2017, the Complainants filed an unopposed motion to terminate the investigation in part based on their partial withdrawal of the complaint. Specifically, Complainants moved to terminate the investigation with respect to the ’163 and ’335 patents in their entirety. Complainants also moved to terminate the investigation with respect to certain other claims, specifically: (1) their infringement allegations regarding claims 2, 4, 5, 13, and 19 of the ’128 patent, and their domestic industry allegations regarding claims 5 and 9 of the ’128 patent; (2) their infringement allegations regarding claims 3, 4, 30, and 31 of the ’440 patent, and their domestic industry allegations regarding claims 3, 4, 37, and 38 of the ’440 patent; (3) their infringement allegations regarding claims 6-8, 19, and 27 of the ’454 patent, and their domestic industry allegations regarding claims 6-8, 18, 19, 27, and 28 of the ’454 patent.

On October 3, 2017, the ALJ issued the subject ID granting the motion. No petitions for review of the ID were received.

The Commission has determined not to review the subject 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 part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: October 17, 2017