

# EXHIBIT A

**UNITED STATES TRADE COMMISSION  
WASHINGTON, D.C.**

**Before The Honorable David P. Shaw  
Administrative Law Judge**

**In the Matter of**

**CERTAIN CAMERAS AND MOBILE  
DEVICES, RELATED SOFTWARE  
AND FIRMWARE, AND  
COMPONENTS THEREOF AND  
PRODUCTS CONTAINING THE  
SAME**

**Investigation No. 337-TA-842**

**COMPLAINANT HUMANEYES TECHNOLOGIES, LTD.'S MEMORANDUM  
IN SUPPORT OF MOTION FOR TERMINATION**

Complainant HumanEyes Technologies, Ltd. (“HumanEyes”) hereby respectfully moves to terminate the above-entitled Investigation in its entirety pursuant to 19 C.F.R. § 210.21(a).

**FACTUAL BACKGROUND**

The Complaint in this Investigation was filed March 29, 2012; the Notice of Investigation issued April 26, 2012; and the current target date is September 3, 2013. The fact discovery period will close on September 21, 2012. Through depositions recently held in Tokyo, Japan, as well as through publicly available information, HumanEyes has recently learned that Sony intends to remove the accused features from its product lines at least by the target date in this Investigation. For example, Sony camera and phone models introduced after the Complaint was filed in this Investigation no longer identify the “3D Sweep Panorama Mode” and “Sweep Multi Angle Mode” features accused of infringement as being available in those models. *See, e.g.*, Ex. A (Sony RX100 camera, released in August 2012).

In light of this development, Complainant HumanEyes seeks to terminate this investigation and proceed with its claims against infringing Sony products in the pending

action in the District Court of Delaware, *HumanEyes Technologies, Ltd. v. Sony*, No. 12-398-GMS. Under the circumstances, termination is in the public interest. Sony does not oppose the motion for termination. The Staff has stated that it reserves its position on the motion until it has reviewed the pleadings.

### LEGAL STANDARD AND APPLICATION

Commission Rule 210.21(a)(1) provides:

(1) Any party may move at any time prior to the issuance of an initial determination on violation of section 337 of the Tariff Act of 1930 to terminate an investigation in whole or in part as to any or all respondents, on the basis of withdrawal of the complaint or certain allegations contained therein, or for good cause other than the grounds listed in paragraph (a)(2) of this section. A motion for termination of an investigation based on withdrawal of the complaint shall contain a statement that there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation, or if there are any agreements concerning the subject matter of the investigation, all such agreements shall be identified, and if written, a copy shall be filed with the Commission along with the motion.

HumanEyes seeks to withdraw its complaint and amended complaint in entirety, thereby terminating this Investigation as to all issues and all respondents.

Absent extraordinary circumstances, motions for termination will be “readily granted” to a complainant during the prehearing stage of an investigation. *Certain Static Random Access Memories and Products Containing the Same*, 337-TA-792, Order No. 26, 2012 WL 395867 (U.S. I.T.C. Feb. 6, 2012) (quoting *Certain Ultrafiltration Sys. and Components Thereof, Including Ultrafiltration Membranes*, Inv. No. 337-TA-107, Comm'n Action and Order at 2 (Mar. 11, 1982)). *See also, e.g., In re Certain Semiconductor Timing Signal Generator Devices, Components Thereof, and Products Containing Same*, Inv. No. 337-TA-465, Order No. 25, 2002 ITC LEXIS 359, at \*4 (Jul. 9, 2002); *see also Certain Laminated Floor Panels*, Inv. No. 337-TA-545, Order No. 30, 2006 ITC LEXIS 179, at \*3 (Apr. 3, 2006). No extraordinary circumstances exist in this

Investigation that warrant denial of this Motion. Indeed, the circumstances, as discussed above, show that granting this Motion will most efficiently preserve the resources of all parties.

Pursuant to Commission Rule 210.21(a)(1), there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation, other than procedural stipulations on service and discovery.

Furthermore, good cause exists for terminating the investigation. This investigation is still in the discovery phase, and withdrawal of the complaint and amended complaint will avoid pre-trial and trial procedures and preserve the parties' and public resources. For this reason, motions for termination based on withdrawal of a complaint are routinely granted. *See, e.g., Certain Vaginal Ring Birth Control Devices*, Inv. No. 337-TA-768, Order No. 30, 2012 WL 193995 (U.S. I.T.C. Jan. 20, 2012) (granting complainant's motion to terminate the investigation based on withdrawal of the complaint); *Certain Foldable Stools*, 337-TA-693, Order No. 18, 2010 WL 2451676 (U.S. I.T.C. June 8, 2010) (granting Complainant's motion to terminate during discovery phase based on withdrawal of complaint).

In light of HumanEyes' Motion to Terminate, HumanEyes further believes that all discovery should be stayed. Along with this Motion, HumanEyes has filed a Motion to Stay the Procedural Schedule.

Accordingly, good cause exists to terminate the 842 Investigation, and HumanEyes respectfully requests that its Motion be granted.

Dated: September 20, 2012

Respectfully submitted,

/s/ William P. Nelson

Matthew D. Powers  
Steven S. Cherensky  
William P. Nelson  
Stefani C. Smith

Robert L. Gerrity  
TENSEGRITY LAW GROUP LLP  
555 Twin Dolphin Drive, Suite 360  
Redwood Shores, CA 94065  
Telephone: (650) 802-6000  
Facsimile: (650) 802-6001

*Attorneys for Complainant HumanEyes  
Technologies, Ltd.*

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.