

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN CASES FOR PORTABLE
ELECTRONIC DEVICES**

Investigation Nos. 337-TA-867/861

**NOTICE OF COMMISSION DETERMINATION TO REVIEW AN INITIAL
DETERMINATION FINDING CERTAIN RESPONDENTS IN DEFAULT; UPON REVIEW
THE COMMISSION AFFIRMS THE ALJ'S DETERMINATION UNDER 19 C.F.R. § 210.16**

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 presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 8) finding the following respondents in default: Anbess Electronics Co. Ltd. of Shenzhen, China; Rocon Digital Technology Corp. of Shenzhen, China; SW-Box of Sheung Wan, Hong Kong; Trait Technology (Shenzhen) Co., Ltd. of Shenzhen, China; and Hongkong Wexun Ltd. of Guangdong, China (collectively, "Defaulting Respondents"). Upon review the Commission affirms the ALJ's determination under 19 C.F.R. § 210.16 for Defaulting Respondents' failure to respond to the complaint and notice of investigation.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, 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 Inv. No. 337-TA-861 on November 16, 2012, based on a complaint filed by Speculative Product Design, LLC of Mountain View, California ("Speck"). *77 Fed. Reg.* 68828 (Nov. 16, 2012). The complaint alleged 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 cases for portable electronic devices by reason of infringement of various claims of United States Patent No. 8,204,561. The complaint named several respondents, including Defaulting Respondents.

The Commission instituted Inv. No. 337-TA-867 on January 31, 2013, based on a complaint filed by Speck. 78 *Fed. Reg.* 6834 (Jan. 31, 2013). That complaint also alleged 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 cases for portable electronic devices by reason of infringement of various claims of the '561 patent. The complaint named several respondents. On January 31, 2013, the Commission consolidated the two investigations. *Id.*

On January 15, 2013, Speck filed a motion for an order directing Defaulting Respondents to show cause why they should not be found in default for their failure to respond to the complaint and notice of investigation. Speck's motion requested issuing a default ID against those respondents who failed to show cause. On January 25, 2013, the Commission Investigative Attorney filed a response in support of the motion. No other responses to the motion were filed.

On February 21, 2013, the ALJ issued Order No. 5, ordering Defaulting Respondents to show by March 7, 2013, why they should not be found in default under 19 C.F.R. § 210.16 for their failure to respond to the complaint and notice of investigation. Defaulting Respondents did not respond to the show-cause order.

On April 2, 2013, the ALJ issued the subject ID, finding Defaulting Respondents in default under 19 C.F.R. § 210.16 for failing to respond to the complaint and notice of investigation. The ALJ also found Defaulting Respondents in default under 19 C.F.R. § 210.17 for, at least, failing to comply with Order Nos. 3 and 5.

The Commission has determined to review the ID. Upon review, the Commission has determined to affirm the ALJ's determination that Defaulting Respondents are in default under 19 C.F.R. § 210.16 for failure to respond to the complaint and notice of investigation. The Commission vacates the ALJ's reliance on 19 C.F.R. § 210.17, finding it unnecessary to rely on that provision.

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.



Lisa R. Barton
Acting Secretary to the Commission

Issued: May 1, 2013