

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

In the Matter of

**CERTAIN EARPIECE DEVICES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1121

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO RESPONDENT
ZEIKOS, INC. BASED ON A CONSENT ORDER STIPULATION AND A
SETTLEMENT AGREEMENT; ISSUANCE OF A CONSENT ORDER**

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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 12) terminating the above-captioned investigation as to Zeikos, Inc. ("Zeikos") based on a consent order stipulation and a settlement agreement. The Commission has entered a consent order.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2392. 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 <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 29, 2018, based on a complaint filed on behalf of Bose Corporation of Framingham, Massachusetts ("Bose"). 83 FR 30,776 (Jun. 29, 2018). The complaint alleges violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("section 337"), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain earpiece devices and components thereof by reason of infringement of one or more claims of U.S. Patent Nos.: 9,036,852; 9,036,853; 9,042,590;

8,311,253; 8,249,287; and 9,398,364. The complaint further alleges that an industry in the United States exists as required by section 337. The notice of investigation named numerous respondents, including Zeikos of Edison, New Jersey. The Office of Unfair Import Investigations (“OUII”) was named as a party in this investigation.

On October 12, 2018, Bose and Zeikos filed a joint motion pursuant to Commission Rules 210.21(a)(2) and 210.21(b)(1) to terminate the investigation as to Zeikos based on a consent order, including a consent order stipulation and proposed consent order, and a settlement agreement. OUII filed a response supporting the joint motion.

On November 26, 2018, the ALJ issued Order No. 12, granting the joint motion. The ID finds that the motion, consent order stipulation, and proposed consent order satisfy the requirements of Commission Rules 210.21(c)(3) and (c)(4). The ID also finds that the motion and settlement agreement satisfy the requirements of Commission Rule 210.21(b)(1). The ID further finds that termination of the investigation as to Zeikos would not be contrary to the public interest. No party 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 Part 210 of the Commission’s Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: December 19, 2018