

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

**In the Matter of**

**CERTAIN VIDEO GAME MACHINES  
AND RELATED THREE-DIMENSIONAL  
POINTING DEVICES**

**Investigation No. 337-TA-658**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW THE ADMINISTRATIVE  
LAW JUDGE'S INITIAL DETERMINATION GRANTING COMPLAINANT'S  
MOTION TO TERMINATE THE INVESTIGATION AS TO CERTAIN CLAIMS**

**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 initial determination ("ID") (Order No. 42) granting complainant's motion to terminate the above-captioned investigation as to certain claims.

**FOR FURTHER INFORMATION CONTACT:** Daniel E. Valencia, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-1999. 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 September 23, 2008, based on a complaint filed by Hillcrest Laboratories, Inc. of Rockville, Maryland ("Hillcrest"), alleging 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 video game machines and related three-dimensional pointing devices by reason of infringement of certain claims of United States Patent Nos. 7,139,983; 7,158,118; 7,262,760 ("the '760 patent"); and 7,414,611 ("the '611 patent"). *73 Fed. Reg.* 54854 (September 23, 2008). The complaint named Nintendo Co., Ltd. of Japan and Nintendo of America, Inc. of Redmond, Washington (collectively, "Nintendo") as respondents.

On June 2, 2009, complainant Hillcrest moved to terminate the investigation as to claims 20, 21, 25, 27, 34, 72, and 91 of the '611 patent, and claims 38-40 and 60-62 of the '760 patent. Neither the Commission Investigative Attorney nor Nintendo opposed Hillcrest's motion.

On June 3, 2009, the administrative law judge issued the subject ID, granting Hillcrest's motion to terminate the investigation as to claims 20, 21, 25, 27, 34, 72, and 91 of the '611 patent, and claims 38-40 and 60-62 of the '760 patent. No petitions for review of the ID were filed. 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/

Marilyn R. Abbott  
Secretary to the Commission

Issued: June 25, 2009