

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN AUDIO PROCESSING
HARDWARE, SOFTWARE, AND
PRODUCTS CONTAINING THE SAME**

Investigation No. 337-TA-1026

**NOTICE OF COMMISSION DETERMINATION GRANTING A REQUEST
FOR JUDICIAL ENFORCEMENT OF A SUBPOENA**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to grant a request by the presiding administrative law judge (ALJ) for judicial enforcement of a subpoena issued in this investigation and has authorized its Office of the General Counsel to seek such enforcement.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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 (<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 October 25, 2016, based on a complaint filed by Andrea Electronics Corp. of Bohemia, New York ("Andrea"). 81 FR 73418 (Oct. 25, 2016). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 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 audio processing hardware, software, and products containing the same by reason of infringement of certain claims of U.S. Patent No. 6,049,607; U.S. Patent No. 6,363,345; and U.S. Patent No. 6,377,637. The Commission's notice of investigation named the following respondents: Apple Inc. of Cupertino, California; Samsung Electronics Co. Ltd. of Gyeonggi-do, Korea; and Samsung Electronics America, Inc. of Ridgefield Park, New Jersey. 81 FR at 73419.

The Office of Unfair Import Investigations is also a party in this investigation.

On January 13, 2017, Andrea moved the ALJ to certify to the Commission a request for judicial enforcement of Andrea's October 27, 2016, subpoena to non-party NXP Semiconductors ("NXP"). On January 26, 2017, non-party Freescale Semiconductor, Inc. d/b/a NXP USA Inc. opposed the motion. Also on January 26, 2017, the Commission investigative attorney responded in support of Andrea. No other responses were received. On January 30, 2017, Andrea filed a reply in support of its motion.

On March 3, 2017, the ALJ granted Andrea's motion (Order No. 16), finding that Andrea's request was proper and reasonable, and that NXP had failed to demonstrate to the contrary. Order No. 16 at 2-5. Following the issuance of the public version of Order No. 16, on March 15, 2017, the ALJ issued an order (Order No. 19) certifying to the Commission the request for judicial enforcement. *See* 19 C.F.R. § 210.32(g).

The Commission has granted the ALJ's request and has authorized its Office of the General Counsel to seek judicial enforcement of the subpoena.

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 Commission Rule of Practice and Procedure 210.32(g), 19 C.F.R. § 210.32(g).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton", written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: March 24, 2017