

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MOBILE DEVICE
HOLDERS AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1028

**NOTICE OF THE COMMISSION'S DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION TERMINATING CERTAIN PATENTS FROM
THE INVESTIGATION**

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. 16) terminating certain patents from the investigation.

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436, telephone (202) 205-2737. 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 November 14, 2016, based on a complaint and supplements, filed on behalf of Nite Ize, Inc. of Boulder, Colorado ("complainant"). 81 FR 79519-20 (Nov. 14, 2016). The complaint, as supplemented, alleges violations of 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 mobile device holders and components thereof by reason of infringement of certain claims of U.S. Patent No. 8,602,376; U.S. Patent No. 8,870,146; U.S. Patent No. D734,746 ("the '746 patent"); and U.S. Patent No. D719,959 ("the '959 patent"). The complaint further alleges that an industry

in the United States exists as required by subsection (a)(2) of section 337. The Commission's notice of investigation named numerous respondents. The Office of Unfair Import Investigations ("OUII") was named as a party to the investigation.

On June 23, 2017, complainant moved to terminate this investigation in part based on the withdrawal of all asserted claims of the '746 and '959 patents. The complainant represented that "there are no agreements, written or oral, express or implied, between the parties, concerning the subject matter of the Investigation with respect to these claims." *Id.* at 2. OUII did not oppose the motion.

On July 5, 2017, the ALJ issued an order (Order No. 16) granting complainant's motion. The ALJ found that no extraordinary circumstances prevent the partial termination of the investigation. No petitions for review were filed.

The Commission has determined not to review the subject 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 CFR part 210).

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: July 28, 2017