

**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 INITIAL  
DETERMINATIONS TERMINATING THE INVESTIGATION AS TO SPIGEN INC.  
BASED ON A SETTLEMENT AGREEMENT AND SUNVALLEYTEK  
INTERNATIONAL, 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 determinations ("IDs") (Order Nos. 14 and 15) terminating the above-captioned investigation as to respondent Spigen Inc. ("Spigen") based on a settlement agreement and respondent Sunvalleytek International, Inc. ("Sunvalleytek") based on a consent order stipulation and a settlement agreement. The Commission has entered a consent order covering Sunvalleytek.

**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 Spigen of Irvine, California and Sunvalleytek of Fremont, California. The Office of Unfair Import Investigations (“OUII”) was named as a party in this investigation.

On December 20, 2018, Bose and Spigen filed a joint motion pursuant to Commission Rules 210.21(a)(2) and 210.21(b)(1) (19 CFR 210.21(a)(2), (b)(1)) to terminate the investigation as to Spigen based on a settlement agreement. Order No. 14 at 1 (Feb. 21, 2019).

Also, on December 20, 2018, Bose and Sunvalleytek filed a joint motion to terminate this investigation as to Sunvalleytek based on consent order stipulation and a settlement agreement. Order No. 15 at 1 (Feb. 21, 2019). On February 11, 2019, OUII filed responses supporting both joint motions. No other response was filed.

On February 21, 2019, the ALJ issued Order Nos. 14 and 15, granting both joint motions. With respect to the joint motion between Bose and Spigen, the ALJ finds that the motion satisfies the requirements of Commission Rule 210.21(b)(1) (19 CFR 210.21(b)(1)) and there is no evidence that terminating this investigation as to Spigen based on the settlement agreement would be contrary to the public interest. Order No. 14 at 1-2. With respect to the joint motion between Bose and Sunvalleytek, the ALJ finds that the motion, consent order stipulation, and proposed consent order satisfy the requirements of Commission Rules 210.21(c)(3) and (c)(4) (19 CFR 210.21(c)(3), (c)(4)). Order No. 15 at 2. The ALJ also finds that the motion and settlement agreement satisfy the requirements of Commission Rule 210.21(b)(1) (19 CFR 210.21(b)(1)). *Id.* The ALJ further finds that termination of the investigation as to Sunvalleytek would not be contrary to the public interest. *Id.* at 3.

No party petitioned for review of the subject IDs. The Commission has determined not to review the subject IDs.

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: March 11, 2019