

PUBLIC VERSION

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

In the Matter of

**CERTAIN EARPIECE DEVICES
AND COMPONENTS THEREOF**

**Investigation No. 337-TA-1121
(Rescission)**

**NOTICE OF REQUEST FOR INFORMATION REGARDING
RESCISSION OF A SEIZURE AND FORFEITURE ORDER**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission is requesting information from third-party importer Class and Culture LLC (“Class and Culture”) of Las Vegas, Nevada and complainant Bose Corporation (“Bose”) regarding a potential rescission of a seizure and forfeiture order (“SFO”) issued in the above-identified investigation.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, D.C. 20436, telephone 202-205-2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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 of Framingham, Massachusetts. 83 FR 30,776 (Jun. 29, 2018). The complaint alleged 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 certain 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 ’364 patent”). The notice of investigation named fourteen respondents. The Office of Unfair Import Investigations was also named as a party in this investigation.

On October 31, 2019, the Commission issued a general exclusion order (“GEO”), a limited exclusion order, and cease and desist orders with respect to certain claims of the asserted

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patents other than the '364 patent. 84 FR 59838-840 (Nov. 6, 2019). The '364 patent was later withdrawn from the investigation and the investigation was terminated in its entirety. 84 FR 72382-383 (Dec. 31, 2019).

On May 12, 2021, the Commission received an exclusion notice from United States Customs and Border Protection (“CBP”) in connection with the attempted importation by third-party importer Class and Culture of earpiece devices and components thereof covered by the GEO. On May 13, 2021, the Commission issued an SFO directed to Class and Culture pursuant to section 337(i), 19 U.S.C. 1337(i).

On June 16, 2021, the Commission received a letter from CBP requesting rescission of the SFO. In the letter, CBP indicated that, [[

]]. Accordingly, CBP indicated that, as there was no longer a basis for the exclusion from entry, the detained merchandise had been released. The June 16th letter from CBP did not include [[
]].

Pursuant to Commission Rule 210.76(a)[[]], 19 CFR 210.76(a)[[]], a request to rescind a SFO [[

]].

Accordingly, in order to institute a proceeding to rescind the SFO directed to Class and Culture, the Commission requests that Class and Culture submit a petition for rescission pursuant to Commission Rule 210.76(a), 19 CFR 210.76(a), [[

]]. Complainant Bose may submit comments, if any, regarding whether a rescission proceeding should be instituted.

WRITTEN SUBMISSIONS: Class and Culture and Complainant Bose are requested to file written submissions on the issues identified in this notice. The initial written submissions must be filed no later than close of business on **July 23, 2021**. Reply submissions must be filed no later than the close of business on **July 30, 2021**.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (March 19, 2020). Submissions should refer to the investigation number (Inv. No. 337-TA-1121) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures,

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https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary, (202) 205-2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on July 8, 2021.

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.



Lisa R. Barton
Secretary to the Commission

Issued: July 8, 2021