

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 AN INITIAL
DETERMINATION FINDING CERTAIN RESPONDENTS IN DEFAULT**

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. 13) finding certain respondents in default.

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, 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 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 Beebo Online Limited of North Las Vegas, Nevada; Misodiko of ShenZhen, China; Phaiser LLC of Houston, Texas; SMARTOMI Products, Inc. of Ontario, California; and TomRich of Shenzhen,

China (collectively, the “Defaulting Respondents”). The Office of Unfair Import Investigations (“OUII”) was named as a party in this investigation. The Commission served the complaint and Notice of Investigation on respondents on or after June 25, 2018. *See* Order No. 7 at 1 (Sep. 20, 2018).

On September 4, 2018, Bose filed a motion pursuant to 19 CFR 210.16 for: (1) an order directing the Defaulting Respondents to show cause why they should not be found in default for failing to respond to the complaint and notice of investigation; and (2) an ID finding respondents in default upon their failure to show cause. *Id.* On September 13, 2018, OUII filed a response supporting the motion. *Id.*

On September 20, 2018, the ALJ issued Order No. 7, requiring the Defaulting Respondents to show cause, no later than October 4, 2018, as to why they should not be held in default for failing to respond to the complaint and notice of investigation. *See* Order No. 13 at 1 (Dec. 11, 2018). No response was received from any of the Defaulting Respondents. *Id.* On December 11, 2018, the ALJ issued the subject ID (Order No. 13) finding the Defaulting Respondents in default pursuant to 19 CFR 210.16, for failure to respond to the complaint and notice of investigation. *Id.* at 1-2. No petition for review of the subject ID was 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 C.F.R. Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton", with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: December 21, 2018