

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN HEIGHT-ADJUSTABLE
DESK PLATFORMS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1125

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO RESPONDENT
WUPPESSEN, INC. BASED ON A SETTLEMENT AGREEMENT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined not to review an October 2, 2018, initial determination (“ID”) (Order No. 15) terminating the investigation as to respondent Wuppessen, Inc. of Ontario, CA (“Wuppessen”).

FOR FURTHER INFORMATION CONTACT: Ron Traud, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-3427. 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 SW., Washington, DC 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 Information System (“EDIS”) (<https://edis.usitc.gov>). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: On July 30, 2018, the Commission instituted this investigation based on a complaint and supplements thereto filed on behalf of Varidesk LLC of Coppell, TX (“Varidesk”). 83 FR 36621 (July 30, 2018). The complaint alleged 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 height-adjustable desk platforms and components thereof by reason of infringement of one or more of claims 1–4 and 6–11 of U.S. Patent No. 9,113,703; claims 1–3, 5–18, and 22–28 of U.S. Patent No. 9,277,809; claims 1–15, 19, 21–23, 25–26, and 28–36 of U.S. Patent No. 9,554,644; and claims 1–11 and 20–50 of U.S. Patent No. 9,924,793. The

Commission's Notice of Investigation named numerous respondents, including Wuppessen. The Office of Unfair Import Investigations ("OUII") was also named as a party in this investigation. *Id.*

On September 5, 2018, Varidesk and Wuppessen jointly moved pursuant to Commission Rule 210.21(b) (19 CFR 201.21(b)) to terminate this investigation as to Wuppessen based on a settlement agreement. OUII filed a response supporting that motion. On October 2, 2018, the presiding administrative law judge issued Order No. 15, the subject ID, granting that motion. The ID finds that the joint motion complied with the Commission's rules for termination and that consideration of the public interest factors pursuant to Commission Rule 210.50(b)(2) (19 CFR 210.50(b)(2)) did not prevent termination as to Wuppessen. No party filed a petition seeking review of the subject ID. The Commission has determined not to review the 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: November 6, 2018