

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

**In the Matter of**

**CERTAIN AUDIO PLAYERS AND  
CONTROLLERS, COMPONENTS  
THEREOF, AND PRODUCTS  
CONTAINING THE SAME**

**Investigation No. 337-TA-1191**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING COMPLAINANT'S MOTION FOR SUMMARY  
DETERMINATION THAT THE TECHNICAL PRONG OF THE DOMESTIC  
INDUSTRY REQUIREMENT IS SATISFIED WITH RESPECT TO  
U.S. PATENT NO. 8,588,949**

**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 an initial determination ("ID") (Order No. 32) of the presiding chief administrative law judge ("CALJ") granting complainant's motion for summary determination that the technical prong of the domestic industry requirement is satisfied with respect to U.S. Patent No. 8,588,949 ("the '949 patent").

**FOR FURTHER INFORMATION CONTACT:** Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, D.C. 20436, telephone (202) 205-3179. 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](mailto: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, telephone 202-205-1810.

**SUPPLEMENTARY INFORMATION:** On February 11, 2020, the Commission instituted this investigation based on a complaint filed by Sonos, Inc. ("Sonos") of Santa Barbara, California. 85 FR 7783 (Feb. 11, 2020). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain audio players and controllers, components thereof, and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 9,195,258; 10,209,953; 8,588,949 ("the '949 patent"); 9,219,959; and 10,439,896. *Id.* The complaint further alleges that a domestic

industry exists. *Id.* The notice of investigation named as respondents Google LLC (“Google”) and Alphabet Inc. (“Alphabet”), both of Mountain View, California. *Id.* The Office of Unfair Import Investigations (“OUII”) is also named as a party. *Id.*

On September 21, 2020, the Commission determined to terminate the investigation as to Alphabet based on withdrawal of the allegations in the complaint directed to Alphabet. Order No. 18 (Sept. 1, 2020), *unreviewed by Comm’n Notice* (Sept. 21, 2020).

On December 4, 2020, Sonos filed an unopposed motion for summary determination that the technical prong of the domestic industry requirement is satisfied with respect to the ’949 patent. Neither Google nor OUII filed a response to the motion.

On January 4, 2021, the CALJ issued the subject ID granting the motion. The ID finds that, in light of the evidence presented, “[n]o genuine issue of material fact [] remains and a summary determination that the technical prong of the domestic industry requirement is satisfied for the ’949 patent is appropriate.” ID at 9. No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID.

The Commission vote for this determination took place on February 2, 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: February 2, 2021