

**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 COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING SUMMARY DETERMINATION THAT THE
IMPORTATION REQUIREMENT IS SATISFIED WITH RESPECT TO RESPONDENT
GOOGLE LLC AND THE ACCUSED PRODUCTS**

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. 27) of the presiding chief administrative law judge (“CALJ”) granting summary determination that the importation requirement is satisfied with respect to respondent Google LLC (“Google”) and the accused products.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., 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. 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; 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 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 August 27, 2020, Sonos filed a motion for summary determination that the importation requirement of section 337(a) is satisfied with respect to Google and the accused products. The motion states that “Google does not oppose the motion.” *See* Mot. at 2. On September 4, 2020, Sonos filed a corrected version of its motion to address a formatting issue in its original memorandum of support. *See* ID at 1 n.1. Neither Google nor OUII filed a response to the motion.

On October 27, 2020, the CALJ issued the subject ID granting the motion. The ID finds that, in light of stipulations made by Google regarding the importation of the accused products, “[n]o genuine issue of material fact [] remains and a summary determination that the importation requirement has been satisfied is appropriate.” ID at 2. 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 November 24, 2020.

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: November 24, 2020