

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

In the Matter of

**CERTAIN PORTABLE GAMING
CONSOLE SYSTEMS WITH
ATTACHABLE HANDHELD
CONTROLLERS AND COMPONENTS
THEREOF II**

Investigation No. 337-TA-1197

**NOTICE OF COMMISSION DETERMINATION NOT TO
REVIEW AN INITIAL DETERMINATION TERMINATING THE
INVESTIGATION WITH RESPECT TO A PATENT CLAIM**

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. 10) issued by the presiding administrative law judge (“ALJ”), terminating the investigation with respect to a patent claim.

FOR FURTHER INFORMATION CONTACT: Robert Needham, 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 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 May 4, 2020, the Commission instituted this investigation based on a complaint filed on behalf of Gamevice, Inc. of Simi Valley, California (“Gamevice”). 85 FR 26492-93 (May 4, 2020). 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 portable gaming consoles with attachable handheld controllers and component thereof by reason of infringement of one or more of claims 1-4, 6-8, and 12-18 of U.S. Patent No. 10,391,393 (“the ’393 patent”). *Id.* The Commission’s notice of investigation named as respondents Nintendo Co., Ltd. of Kyoto, Japan, and Nintendo of America, Inc. of Redmond, Washington. *Id.* at 26493. The Office of Unfair Import Investigations (“OUII”) is participating in this investigation. *Id.*

On November 23, 2020, Gamevice moved to terminate the investigation with respect to claim 16 of the '393 patent based on a partial withdrawal of the complaint. OUII filed a response in support of the motion. No respondent filed a response to the motion.

On December 7, 2020, the ALJ issued the subject ID, granting the motion and terminating the investigation with respect to claim 16 of the '393 patent. No party petitioned for review of the subject ID.

The Commission has determined not to review the subject ID. Claim 16 of the '393 patent is hereby terminated from this investigation.

The Commission vote for this determination took place on January 5, 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', is centered on the page.

Lisa R. Barton
Secretary to the Commission

Issued: January 5, 2021