

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436**

In the Matter of

**CERTAIN DEVICES HAVING
ELASTOMERIC GEL AND
COMPONENTS THEREOF**

Investigation No. 337-TA-732

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO
ONE RESPONDENT ON THE BASIS OF A SETTLEMENT AGREEMENT**

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. 14) of the presiding administrative law judge (“ALJ”) in the above-captioned investigation terminating the investigation as to one respondent on the basis of a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Mark B. Rees, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone (202) 205-3116. 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 at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://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 August 4, 2010, based on the complaint, as supplemented, of Interactive Life Forms, LLC of Austin, Texas (“ILF”). 75 *Fed. Reg.* 47027 (Aug. 4, 2010). 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, and the sale within the United States after importation of certain devices having elastomeric gel and components thereof by reason of

infringement of certain claims of U.S. Patent Nos. 5,782,818 and 5,807,360. The complaint also alleges the existence of an industry in the United States as required by subsection (a)(2) of section 337, and requests issuance of an exclusion order and cease and desist orders.

The complaint and notice of investigation were later amended to add two respondents to the twenty six originally named and to correct the identification of two of the original respondents. 75 *Fed. Reg.* 64742 (Oct. 20, 2010). Since institution, nineteen respondents have been terminated from the investigation based on consent order stipulations and consent orders.

On September 27, 2010, ILF and respondent California Exotic Novelties, Inc. (“Cal Exotic”) jointly moved under Commission Rule 210.21 (19 C.F.R. § 210.21) for termination of the investigation as to Cal Exotic based on a settlement agreement. The Commission investigative attorney filed a response in support of the motion; no objections were filed.

On October 19, 2010, the ALJ issued the subject ID granting the motion to terminate Cal Exotic on the basis of a settlement agreement. The ALJ found that the motion complied with the requirements of Commission Rule 210.21 (19 C.F.R. § 210.21). The ALJ also concluded that, pursuant to Commission Rule 210.50(b)(2) (19 C.F.R. § 210.50(b)(2)), there is no evidence that termination of this investigation will prejudice the public interest. Accordingly, the ALJ terminated the investigation with respect to Cal Exotic. No petitions for review of this ID were filed.

The Commission has determined not to review the subject ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and Commission Rules 210.21, 210.42 (19 C.F.R. §§ 210.21, 210.42).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: November 8, 2010