

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN TWO-WAY GLOBAL
SATELLITE COMMUNICATION
DEVICES, SYSTEMS AND
COMPONENTS THEREOF**

**Investigation No. 337-TA-854
(Enforcement Proceeding)**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS
TO CERTAIN CLAIMS OF U.S. PATENT NO. 7,991,380**

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 a corrected initial determination (“ID”) (Order No. 9) of the presiding administrative law judge (“ALJ”) terminating the above-captioned investigation as to certain claims of U.S. Patent No. 7,991,380 (“the ‘380 patent”).

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) 708-5468. 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, S.W., Washington, D.C. 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 enforcement proceeding on May 24, 2013, based on an enforcement complaint filed on behalf of BriarTek IP, Inc. (“BriarTek”). 78 *Fed. Reg.* 31576-77. The complaint alleges a violation of a consent order through continued violations of 35 U.S.C. § 1337 with respect to the ‘380 patent by DeLorme Publishing Company, Inc., and DeLorme InReach LLC d/b/a InReach LLC (collectively, “DeLorme”). DeLorme had been terminated from Inv. No. 337-TA-854 based on the entry of a consent order, and had stipulated that it would not import, sell for importation, or sell after importation into the United States any two-way global satellite communication devices, system,

and components thereof, that infringe certain claims of the '380 patent. *See* Order No. 21 (Mar. 15, 2013), *not reviewed* Apr. 5, 2013. The Office of Unfair Import Investigations is participating in this investigation. 78 *Fed. Reg.* 31577.

On July 30, 2013, BriarTek moved for partial termination of the investigation by withdrawal of claims 5, 11, 13, and 34 of the '380 patent. No party opposed the motion. On July 31, 2013, the ALJ issued an ID (Order No. 9) terminating the investigation as to claims 5, 11, 13, and 34 of the '380 patent.

On August 6, 2013, BriarTek filed a corrected motion for partial termination of the investigation. The corrected motion states that the original motion inadvertently sought to withdraw claim 13 of the '380 patent, which was not pending in the proceeding. The corrected motions states that BriarTek had intended to withdraw claim 12. Accordingly, in its corrected motion, BriarTek moved to terminate the investigation as to claims 5, 11, 12, and 34 of the '380 patent. No party opposed the motion.

On August 7, 2013, the ALJ issued the subject corrected ID, terminating the investigation with respect to claims 5, 11, 12, and 34 of the '380 patent. No party petitioned for review of the ID.

The Commission has determined not to review the corrected 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 sections 210.21 and 210.42(h) of the Commission's Rules of Practice and Procedure, 19 C.F.R. §§ 210.21, 210.42(h).

By order of the Commission.



Lisa R. Barton
Acting Secretary to the Commission

Issued: August 19, 2013