

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MOBILE HANDSET
DEVICES AND RELATED TOUCH
KEYBOARD SOFTWARE**

Investigation No. 337-TA-864

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW INITIAL
DETERMINATIONS FOR NON-INFRINGEMENT AND PARTIAL TERMINATION OF
THE INVESTIGATION AS TO CERTAIN CLAIMS**

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 the administrative law judge's ("ALJ") initial determinations ("IDs") (Order Nos. 20 and 21) granting a motion to partially terminate the investigation as to certain claims of U.S. Patent Nos. 7,098,896 and 7,453,439, and a motion for summary determination of non-infringement of certain products and patents.

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2737. 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) 205-4737.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 31, 2013, based on a complaint filed by Nuance Communications, Inc. ("Nuance") of Burlington, Massachusetts; Swype, Inc. ("Swype") of Burlington, Massachusetts; Tegic Communications, Inc. ("Tegic") of Burlington, Massachusetts; and ZI Corporation of Canada, Inc. of Burlington, Massachusetts, alleging violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) by reason of infringement of certain claims of U.S. Patent Nos. 7,750,891 ("the '891 patent"); 7,453,439 ("the '439 patent"); 7,098,896 ("the '896 patent"); 7,075,520; and

6,286,064. The notice of investigation named Shanghai HanXiang (CooTek) Information Technology Co., Ltd. of Shanghai, China and Personal Communications Devices, LLC (“PCD”) of Hauppauge, New York as respondents.

On September 23, 2013, complainants Nuance, Swype, and Tegic (“complainants”) filed an unopposed motion to partially terminate the investigation based on withdrawal of the allegations of infringement of the following claims: 21, 22, 46, and 47 of the ’896 patent, and 49 of the ’439 patent. No responses were filed.

On September 24, 2013, the ALJ issued an ID granting the motion. The ALJ noted that complainants represented that there were no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation. Also, the ALJ is not aware of any extraordinary circumstances that would preclude granting the motion. The ALJ further found that partial termination of the investigation is in the public interest, as public and private resources will be conserved. No petitions for review were filed.

On August 19, 2013, respondent CooTek filed for a motion for summary determination that certain CooTek products do not infringe certain claims of the ’891, ’896 and ’439 patents. CooTek argued that complainants failed to raise a genuine issue of material fact regarding infringement of the ’891, ’896 and ’439 patents by the series 5.5 and 5.6 products. Complainants filed a response on August 29, 2013. The Commission Investigative Staff filed a response supporting CooTek’s motion. On September 24, 2013, the ALJ granted CooTek’s motion.

The ALJ found that there were no genuine issues of material fact and that that versions 5.5.1, 5.5.2, 5.5.3, 5.5.4, 5.5.5, 5.6.1, 5.6.2, 5.6.3, 5.6.4, 5.6.6, 5.6.8, 5.6.9, 5.6.10 and 5.6.11 do not infringe the claims 1, 19, 43-45, and 51 of ’896 patent, claims 1, 4, 14, 17, 27 and 28 of the ’439 patent, and claims 55-57 of the ’891 patent. No petitions for review were filed.

The Commission has determined not to review the subject IDs.

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 section 210.42 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.



Lisa R. Barton
Acting Secretary to the Commission

Issued: November 4, 2013