

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN WIRELESS DEVICES,
INCLUDING MOBILE PHONES AND
TABLETS III**

Inv. No. 337-TA-942

**NOTICE OF COMMISSION DETERMINATION TO REVIEW AN INITIAL
DETERMINATION GRANTING A JOINT MOTION FOR TERMINATION OF THE
INVESTIGATION BASED ON A SETTLEMENT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 9) granting a joint motion for termination of the investigation based on a settlement in the above-captioned investigation because the joint motion does not comply with the Commission rules. On review, the Commission requests the parties to file by June 29, 2015, a revised public version of their settlement agreement that complies with Commission Rules 210.21(b)(1) and 201.6.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., 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 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 investigation on December 30, 2014, based on a complaint filed by Pragmatus Mobile, LLC of Alexandria, Virginia ("Pragmatus"). 79 *Fed. Reg.* 78478 (Dec. 30, 2014). The complaint alleged violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wireless devices, including mobile phones and tablets, by reason of infringement of certain claims of U.S. Patent No. 8,466,795. The notice of investigation named ASUSTek

Computer, Inc. of Taipei, Taiwan; ASUS Computer International, Inc. of Fremont, California; and ASUS Technology Pte. Ltd. of Singapore (collectively “ASUS”) as respondents. The Office of Unfair Import Investigations is not a party to this investigation.

On May 13, 2015, Pragmatus and ASUS jointly filed a motion to terminate the investigation based on a settlement agreement. Pragmatus and ASUS filed public and confidential versions of the motion to terminate and the settlement agreement. On May 14, 2015, the ALJ issued the subject ID, granting the motion to terminate. No petition for review of the subject ID was filed.

Upon review of the subject ID, the Commission finds that the public version of the settlement agreement does not comply with Commission Rule 210.21(b)(1) because the redactions are not restricted to the types of confidential business information set forth in Commission Rule 201.6. Accordingly, the Commission requests the parties to file by June 29, 2015, a revised public version of their settlement agreement that complies with Commission Rules 210.21(b)(1) and 201.6.

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 C.F.R. Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: June 15, 2015