

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN WIRELESS HEADSETS

Investigation No. 337-TA-943

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING AN UNOPPOSED
MOTION TO PARTIALLY TERMINATE THE INVESTIGATION WITH RESPECT TO
CLAIMS 3 AND 11 OF U.S. PATENT NO. 7,865,258**

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. 9) granting an unopposed motion to partially terminate the investigation with respect to claims 3 and 11 of U.S. Patent No. 7,865,258 (“the ’258 patent”).

FOR FURTHER INFORMATION CONTACT: Lucy Grace D. Noyola, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3438. 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 (<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 January 13, 2015, based on a complaint filed by One-E-Way, Inc. of Pasadena, California (“One-E-Way”). 80 Fed. Reg. 1663 (Jan. 13, 2015). The complaint alleges 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 headsets by reason of infringement of certain claims of U.S. Patent No. 7,865,258 and U.S. Patent No. 8,131,391. *Id.* The notice of investigation named several respondents, including, among others: Sony Corporation of Tokyo, Japan; Sony Corporation of America of New York, New York; Sony Electronics, Inc. of San Diego, California; Sennheiser Electronic GmbH & Co. KG of Wedemark, Germany; Sennheiser Electronic Corporation of Old Lyme, Connecticut; BlueAnt Wireless Pty, Ltd. of Richmond, Australia; BlueAnt Wireless, Inc. of

Chicago, Illinois; Creative Technology Ltd. of Singapore; Creative Labs, Inc. of Milpitas, California; Jawbone, Inc. of San Francisco, California; and GN Netcom A/S d/b/a Jabra of Ballerup, Denmark. *Id.* The Office of Unfair Import Investigations (OUII) also was named as a party to the investigation. *Id.*

On April 20, 2015, One-E-Way filed a motion seeking to partially terminate the investigation with respect to claims 3 and 11 of the '258 patent. Neither Respondents nor OUII opposed the motion.

On May 4, 2015, the presiding administrative law judge ("ALJ") issued an ID, Order No. 9, granting the motion. The ALJ found that the motion included a statement that there are no agreements between the parties concerning the subject matter of this investigation with respect to claims 3 and 11 of the '258 patent. The ALJ also found no extraordinary circumstances that prevent the termination of this investigation with respect to these claims, and found that such termination is in the public interest because public and private resources will be conserved.

The Commission has determined not to review the subject 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 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: May 26, 2015