

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

**In the Matter of**

**CERTAIN AUDIO PROCESSING HARDWARE  
AND SOFTWARE AND PRODUCTS  
CONTAINING SAME**

**Investigation No. 337-TA-949**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL  
DETERMINATION TERMINATING TOSHIBA CORP. AND TOSHIBA AMERICA  
INFORMATION SYSTEMS, INC. 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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 39) terminating the investigation as to respondents Toshiba Corp. of Tokyo, Japan and Toshiba America Information Systems, Inc. of Irvine, California (collectively, "Toshiba") on the basis of a settlement agreement.

**FOR FURTHER INFORMATION CONTACT:** Cathy Chen, 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 March 18, 2015, based on a complaint filed by Andrea Electronics Corp. ("Andrea") of Bohemia, New York. 80 *Fed. Reg.* 14,159 (Mar. 18, 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 audio processing hardware and software and products containing same by reason of infringement

of certain claims of U.S. Patent Nos. 5,825,898; 6,483,923; 6,049,607; 6,363,345; and 6,377,637. The complaint further alleges that an industry in the United States exists as required by 19 U.S.C. § 1337(a)(2). The notice of investigation named 13 respondents including Toshiba. The Office of Unfair Import Investigations is a party in this investigation.

On March 15, 2016, Andrea and Toshiba filed a joint motion to terminate Toshiba from the investigation on the basis of a settlement agreement. The motion included a confidential version and a public version of the settlement agreement. The moving parties affirmed that there are no other agreements, written or oral, express or implied, between them concerning the subject matter of the investigation. None of the other parties opposed the motion.

On March 18, 2016, the ALJ granted the motion as an ID. The ALJ found no information indicating that termination of the investigation with respect to Toshiba on the basis of the settlement agreement is contrary to the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, or U.S. consumers. Order No. 39 at 3.

No petitions for review of the ID were filed. The Commission has determined not to review the 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.



Lisa R. Barton  
Secretary to the Commission

Issued: April 19, 2016