NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL DETERMINATION SETTING A TARGET DATE FOR COMPLETION OF REMAND PROCEEDINGS


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. 25) setting November 6, 2017, as the target date for completion of the remand proceedings.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3042. 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 https://www.usitc.gov. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at https://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.

On July 19, 2016, the ALJ issued Order No. 24 granting a motion for summary determination that the ‘332 patent, the ‘377 patent, and the ‘760 patent are invalid under 35 U.S.C. § 101 for being directed to ineligible subject matter, and terminated the investigation in its entirety. On August 1, 2016, Fitbit petitioned for review of the ID. On August 8, 2016, Jawbone and the IA filed oppositions to Fitbit’s petition.

On September 7, 2016, the Commission determined to review the ID, and on review, vacated and remanded for the ALJ to continue the investigation as to the ‘332 patent and the ‘377 patent. The Commission directed the ALJ to set a target date for completion of the remand proceedings. On November 22, 2016, the ALJ issued the subject ID (Order No. 25) setting November 6, 2017 as the target date, with the final remand ID being due by July 6, 2017. No petitions for review of the ID were filed.

The Commission has determined not to review the ID.


By order of the Commission.

Lisa R. Barton
Secretary to the Commission

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