

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN AUTOMATED TELLER
MACHINES, ATM MODULES,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING THE SAME**

Investigation No. 337-TA-989

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION IN PART AS TO U.S.
PATENT NOS. 7,891,551 AND 8,152,165**

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 determination (Order No. 11) (the Subject ID) terminating the investigation in part as to U.S. Patent Nos. 7,891,551 and 8,152,165.

FOR FURTHER INFORMATION, CONTACT: Ron Traud, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, (202) 205-3427. 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, (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: On March 14, 2016, the Commission instituted this investigation based on a complaint filed by Nautilus Hyosung Inc. of Seoul, Republic of Korea, and Nautilus Hyosung America Inc. of Irving, Texas (collectively, Nautilus). 81 *Fed. Reg.* 13419 (Mar. 14, 2016). The complaint alleges violations of Section 337 based upon the importation into the United States, the sale for importation into the United States, and the sale within the United States after importation of certain automated teller machines, ATM modules, components thereof, and products containing the same by reason of infringement of claims 1–3 and 5 of U.S. Patent No. 7,891,551 (the '551 patent); claims 1 and 6 of U.S. Patent No. 7,950,655 (the '655 patent); claims 1–4, 6, and 7 of U.S. Patent No. 8,152,165 (the '165 patent); and claims 1–3, 6, 8,

and 9 of U.S. Patent No. 8,523,235 (the '235 patent). *Id.* The Commission's Notice of Investigation named as respondents Diebold, Incorporated and Diebold Self-Service Systems (collectively, Diebold), both of North Canton, OH. *Id.* The Office of Unfair Import Investigations is not participating in this investigation.

On June 28, 2016, and pursuant to 19 C.F.R. § 210.21(a)(1), Nautilus filed an unopposed motion requesting withdrawal of all asserted claims of the '551 and '165 patents. *See* Subject ID at 1. On June 30, 2016, the ALJ issued the Subject ID, which granted the motion. *Id.* The Subject ID found that the motion complied with Commission Rule 210.21(a)(1), and further found that no extraordinary circumstances warranted denial of the motion. *Id.* at 1-2. No petitions for review of the Subject ID were filed. After consideration, 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: July 27, 2016