

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN HEIGHT-ADJUSTABLE
DESK PLATFORMS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1125

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING VARIOUS CLAIMS FROM THE
INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 30) terminating various claims from this investigation.

FOR FURTHER INFORMATION CONTACT: Amanda Fisherow, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2737. 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 SW, Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission’s Electronic Docket Information System (“EDIS”) (<https://edis.usitc.gov>). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: On July 30, 2018, the Commission instituted this investigation based on a complaint and supplements thereto filed on behalf of Varidesk LLC of Coppell, Texas (“Varidesk”). 83 FR 36621 (July 30, 2018). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation certain height-adjustable desk platforms and components thereof by reason of infringement of one or more claims of U.S. Patent Nos. 9,113,703 (“the ’703 patent”); 9,277,809 (“the ’809 patent”); 9,554,644 (“the ’644 patent”); and 9,924,793 (“the ’793 patent”). The Commission’s notice of investigation named thirty-one respondents. *Id.* The Office of Unfair Import Investigations (“OUII”) was also named as a party in this investigation. *Id.*

On April 11, 2019, Varidesk moved, pursuant to Commission Rules 210.15 (19 CFR 210.15) and 210.21(a)(1) (19 CFR 210.21(a)), to terminate this investigation as to claims 3 and 6-9 of the '703 patent, claims 1-3, 5-10, 12-15, 17, and 27-28 of the '809 patent, claims 2-3, 6-10, 13-15, 19, 21-23, 25, and 28-32 of the '644 patent, and claims 1-11 and 22-39 of the '793 patent. The motion includes a statement that "there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the Investigation." On April 22, 2019, OUII filed a response supporting that motion.

On April 24, 2019, the ALJ issued Order No. 30 granting the motion. The ID finds that the parties complied with the rules and there are no extraordinary circumstances that warrant denying the motion. No party filed a petition seeking review of the subject ID.

The Commission has determined not to review the subject ID. Claims 3 and 6-9 of the '703 patent, claims 1-3, 5-10, 12-15, 17, and 27-28 of the '809 patent, claims 2-3, 6-10, 13-15, 19, 21-23, 25, and 28-32 of the '644 patent, and claims 1-11 and 22-39 of the '793 patent are terminated from the investigation.

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 CFR part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: May 13, 2019