

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN CAMERAS, CAMERA SYSTEMS,
AND ACCESSORIES USED THEREWITH**

Investigation No. 337-TA-1400

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING AN UNOPPOSED MOTION FOR SUMMARY
DETERMINATION ON THE ECONOMIC PRONG OF THE DOMESTIC INDUSTRY
REQUIREMENT**

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. 18) granting an unopposed motion that the economic prong of the Domestic Industry Requirement has been satisfied.

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 may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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 May 6, 2024, the Commission instituted this investigation based on a complaint filed by GoPro, Inc. of San Mateo, California ("GoPro"). 89 FR 37242-43 (May 6, 2024). The complaint alleged violations of section 337 based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain cameras, camera systems, and accessories used therewith by reason of infringement of claims 1-12 of U.S. Patent No. 10,015,413 ("the '413 patent"); claims 1-10 of U.S. Patent No. 10,529,052; claims 1-20 of U.S. Patent No. 10,574,894; claims 1-21 of U.S. Patent No. 10,958,840; claims 1-10 of U.S. Patent No. 11,336,832; and the claim of U.S. Design Patent No. D789,435 (collectively, "Asserted Patents"). *Id.* The Commission's notice of investigation named as respondents Arashi Vision Inc. d/b/a Insta360 of Shenzhen, China, and Arashi Vision (U.S.) LLC d/b/a Insta360 of Irvine, California. The Office of Unfair Import Investigations was not named as a party in this investigation.

On October 25, 2024, the Commission terminated the investigation as to claims 2-12 of the '413 patent. Order No. 9 (Sept. 30, 2024), *unreviewed by Comm'n Notice* (Oct. 25, 2024).

On December 19, 2024, the ALJ issued the subject ID (Order No. 18) granting an unopposed motion by GoPro for summary determination that it has satisfied the economic prong of the domestic industry requirement under 19 U.S.C 1337(a)(3)(A) and (B) as to the Asserted Patents. ID at 1. Respondents notified the ALJ that they do not oppose the motion. *Id.* No one petitioned for review of the ID.

The Commission has determined not to review the subject ID. The Commission affirms the ID in its entirety and finds that the economic prong of the domestic industry requirement for the Asserted Patents is satisfied.¹

The Commission vote for this determination took place on January 21, 2025.

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: January 21, 2025

¹ Contrary to the ID, Commissioner Kearns does not rely on “analogous global investments (i.e., global RDDE and customers support labor investments allocable to the [domestic industry] products[])” or “absolute” dollar amounts as the basis to assess significance of complainant’s alleged investments in this case. ID at 7-8. He has previously noted “that the Commission’s significance analysis should be based on a full picture of all expenses associated with the product, not a selective subset of those expenses.” *See Certain Vaporizer Devices, Cartridges Used Therewith, and Components Thereof*, Inv. No. 337-TA-1368, Comm’n Notice at 3 n.1 (June 20, 2024). In this case, however, the record nonetheless supports a finding of significance of the identified investments allocated to the domestic industry products under subsection (A) based on a comparison to the total global “plant” investments and under subsection (B) based on a comparison to the total global “labor” investments. Specifically, the undisputed evidence shows that the identified subsection (A) leasehold investments represent a significant percentage of GoPro’s worldwide leasing expenditures in 2023 alone, with the rent expenses alone accounting for a significant percentage of those worldwide expenses. ID at 7. It is also undisputed that the identified subsection (B) investments represent a significant percentage of total global labor investments from 2020-2023. *Id.* The worldwide leasing and global labor expenses do not appear to be limited to only those expenses made in connection with the domestic industry products, which Commissioner Kearns would have preferred as the basis for comparison. Nonetheless, given that these worldwide expenses are likely overinclusive, narrowing them to only those expenses made in connection with the domestic industry product would result in higher percentages demonstrating even more significance of the identified domestic investments. In the absence of information to the contrary, he finds this comparison sufficient to satisfy the economic prong in this case.