

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN COMPUTERS AND
COMPUTER PERIPHERAL DEVICES
AND COMPONENTS THEREOF AND
PRODUCTS CONTAINING THE SAME**

Investigation No. 337-TA-841

**COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION WITH RESPECT TO
RESPONDENT SHUTTLE, INC. BASED ON A CONSENT ORDER STIPULATION;
ENTRY OF CONSENT ORDER**

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 an initial determination (“ID”) (Order No. 28) of the presiding administrative law judge (“ALJ”) granting respondent’s motion to terminate the above-referenced investigation with respect to respondent Shuttle Inc. based on a consent order stipulation and has entered a consent order.

FOR FURTHER INFORMATION CONTACT: Jia Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-4737. 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 May 2, 2012, based on a complaint filed by Technology Properties Limited, LLC (“TPL”) of Cupertino, California. 77 *Fed. Reg.* 26041 (May 2, 2012). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by reason of infringement of certain claims of U.S. Patent Nos. 6,976,623, 7,162,549, 7,295,443, 7,522,424, 6,438,638, and 7,719,847. The complaint further alleges the existence of a domestic industry. The notice of investigation named twenty-one respondents, including Shuttle, Inc. (“Shuttle”) of Taipei, Taiwan.

On October 12, 2012, TPL and Shuttle filed a joint motion to terminate the investigation as to Shuttle based on entry of a consent order. The motion included a Proposed Consent Order and Consent Order Stipulation. No responses to the motion were received.

On October 26, 2012, the ALJ issued the subject ID granting the joint motion pursuant to section 210.21(c)(3) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.21(c)(3)). The ALJ determined that termination would not negatively affect the public interest. No petitions for review were received.

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 sections 210.21 and 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.21 & 210.42).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton
Acting Secretary to the Commission

Issued: November 26, 2012

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

IN THE MATTER OF

CERTAIN COMPUTER AND COMPUTER
PERIPHERAL DEVICES AND
COMPONENTS THEREOF AND
PRODUCTS CONTAINING THE SAME

INVESTIGATION No. 337-TA-841

CONSENT ORDER

The United States International Trade Commission (hereinafter “the Commission”) instituted this investigation under Section 337 of the Tariff Act of 1930 as amended (19 U.S.C. § 1337), based upon a Complaint filed by Technology Properties Limited, LLC (hereinafter “TPL”) which alleges unfair acts in the sale for importation into the United States, and sale within the United States after importation of certain computer and computer peripheral devices and components thereof and products containing the same by Shuttle Inc. (“Shuttle”).

TPL and Shuttle have jointly executed a Consent Order Stipulation in Support of Motion to Terminate Investigation by Consent Order in which both parties jointly agree to the entry of this Consent Order and to all waivers and other provisions as required by the Commission’s Rules of Practice and Procedure, and the parties have filed a Joint Motion for Termination of this Investigation with respect to the products within the scope of this Investigation based on the Consent Order Stipulation. Specifically, Shuttle and TPL have stipulated as follows:

- A. Shuttle is a company organized and existing under the laws of Taiwan.

- B. TPL and Shuttle jointly stipulate to the entry of a Consent Order in the form attached hereto as Exhibit A (the "Consent Order").
- C. The Commission has *in rem* jurisdiction over Shuttle's computer and computer peripheral devices and components thereof and products containing the same that are within the scope of this Investigation, specifically including the Mini Desktop Computer VX35 V2 Multi-Flash-Card Reader product ("XS35 V2"), and the Commission has *in personam* jurisdiction over Shuttle for purposes of the Consent Order.
- D. Shuttle agrees that, upon entry of the Consent Order, it will not sell for importation, import into the United States, or sell in the United States after importation, certain computer and computer peripheral devices and components thereof and products containing the same that are within the scope of this Investigation, specifically including the Mini Desktop Computer VX35 V2 Multi-Flash-Card Reader product ("XS35 V2"), that are alleged to infringe any asserted claim of U.S. Patent Nos. 7,295,443 and 7,522,424 ("the asserted patents") until the expiration, invalidation, and/or finding of unenforceability of the asserted claims of the asserted patents or until Shuttle's products are licensed or found to not infringe the asserted claims of the asserted patents.
- E. Shuttle expressly waives all rights to seek judicial review or otherwise challenge or contest the validity of the Consent Order, subject to Section H, below.
- F. Shuttle will cooperate with and will not seek to impede by litigation or other means the Commission's efforts to gather information under subpart I of the Commission's Rules, 19 C.F.R. Part 210.
- G. Enforcement, modification, or revocation of the Consent Order will be carried out pursuant to subpart I of the Commission's Rules, 19 C.F.R. Part 210.

- H. The Consent Order shall not apply with respect to any claim of any intellectual property right that becomes licensed, has expired, or been found or adjudicated invalid or unenforceable by the Commission or a court or agency of competent jurisdiction, provided that such finding or judgment has become final and non-reviewable.
- I. Shuttle will not seek to challenge the validity or enforceability of the asserted patents in any administrative or judicial proceeding to enforce the Consent Order.
- J. The signing of the Consent Order Stipulation in Support of Motion to Terminate Investigation by Consent Order does not constitute an admission by Shuttle that the asserted patents are valid, enforceable, or infringed by Shuttle.
- K. The signing of the Consent Order Stipulation in Support of Motion to Terminate Investigation by Consent Order does not constitute an admission by Shuttle that an unfair act has been committed.
- L. There are no agreements, written or oral, express or implied, between the parties concerning the subject matter of this investigation.

NOW THEREFORE, the Commission issues the following Consent Order:

- (1) Upon entry of this Consent Order, Shuttle shall not directly or indirectly import into the United States, sell for importation into the United States, or sell within the United States after importation certain computer and computer peripheral devices and components thereof and products containing the same that are within the scope of this Investigation, specifically including the Mini Desktop Computer VX35 V2 Multi-Flash-Card Reader product ("XS35 V2") that are accused of infringing certain claims of U.S. Patent Nos. 7,295,443 and 7,522,424.

IT IS SO ORDERED.

DATE: NOV 26 2012

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written over a horizontal line.

Lisa R. Barton
Acting Secretary to the Commission