

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MOBILE HANDSET
DEVICES AND RELATED TOUCH
KEYBOARD SOFTWARE**

Investigation No. 337-TA-864

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING A JOINT MOTION FOR PARTIAL TERMINATION
OF THE INVESTIGATION AS TO RESPONDENT PERSONAL
COMMUNICATIONS DEVICES, LLC**

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 ("ID") (Order No. 16) granting a motion to partially terminate the investigation as to respondent Personal Communications Devices, LLC.

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) 205-2392. 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) 205-4737.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 25, 2013, based on a complaint filed by Nuance Communications, Inc. ("Nuance") of Burlington, Massachusetts; Swype, Inc. ("Swype") of Burlington, Massachusetts; Tegic Communications, Inc. ("Tegic") of Burlington, Massachusetts; and ZI Corporation of Canada, Inc. of Burlington, Massachusetts, alleging violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) by reason of infringement of certain claims of U.S. Patent Nos. 7,750,891; 7,453,439; 7,098,896; 7,075,520; and 6,286,064. The notice of investigation named Shanghai HanXiang (CooTek) Information Technology Co., Ltd. of Shanghai, China and Personal Communications Devices, LLC ("PCD") of Hauppauge, New York as respondents.

On June 17, 2013, complainants Nuance, Swype, and Tegic (“complainants”) and respondent PCD filed a joint motion to partially terminate the investigation with respect to PCD under Commission Rule 210.21(a) and/or 210.21(b). According to the motion, the only device imported by PCD at issue in this investigation is a cellular device known as the “Venture,” which PCD purchases from third-party TCT Mobile International Limited (“TCT”). According to the motion, Nuance has entered into an agreement with TCT that eliminates any dispute between Nuance and PCD concerning the Venture device. On August 15, 2013, the Commission Investigative Staff filed an opposition to the joint motion, arguing that the motion should be denied because the moving parties attached only an amendment to the agreement between complainants and TCT, not the entirety of the agreement. No other responses were filed. On August 16, 2013, the moving parties filed a supplement to their motion that attached a complete and unredacted copy of the license agreement between complainants and TCT, along with all amendments thereto. On August 20, 2013, the moving parties filed a corrected supplement to their motion, which attached the confidential version of the agreement as well as the public version of the agreement.

On August 20, 2013, the ALJ issued the subject ID granting the joint motion. The ALJ found that there is good cause for terminating the investigation as to PCD. The ALJ noted that complainants represented that there were no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation. Further, the ALJ is not aware of any extraordinary circumstances that would preclude granting the motion. The ALJ further found that partial termination of the investigation is in the public interest, as public and private resources will be conserved. No petitions for review were filed.

The Commission has determined not to review the 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 section 210.42 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is fluid and cursive, with a large loop at the end.

Lisa R. Barton
Secretary to the Commission

Issued: September 16, 2013