

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN AIR MATTRESS SYSTEMS,
COMPONENTS THEREOF, AND
METHODS OF USING THE SAME**

Investigation No. 337-TA-971

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING AN UNOPPOSED MOTION FOR
PARTIAL TERMINATION OF THE INVESTIGATION BASED ON WITHDRAWAL
OF AN ASSERTED PATENT CLAIM**

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. 54) granting an unopposed motion to partially terminate the investigation with respect to claim 23 of U.S. Patent No. 5,904,172.

FOR FURTHER INFORMATION CONTACT: Lucy Grace D. Noyola, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3438. 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 (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://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 November 20, 2015, based on a complaint filed by Select Comfort Corporation of Minneapolis, Minnesota and Select Comfort SC Corporation of Greenville, South Carolina (collectively, “Select Comfort”). 80 *Fed. Reg.* 72738 (Nov. 20, 2015). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain air mattress systems, components thereof, and methods of using the same by reason of infringement of certain claims of U.S. Patent Nos. 5,904,172 and 7,389,554. *Id.* The notice of investigation names as respondents Sizewise Rentals LLC of Kansas City, Missouri; American

National Manufacturing Inc. of Corona, California; and Dires LLC and Dires LLC d/b/a Personal Comfort Beds of Orlando, Florida. *Id.* The Office of Unfair Import Investigations also was named as a party to the investigation. *Id.*

On September 2, 2016, Select Comfort filed an unopposed motion to terminate the investigation in part based on withdrawal of the complaint as to claim 23 of U.S. Patent No. 5,904,172.

On September 6, 2016, the presiding administrative law judge (“ALJ”) issued an ID (Order No. 54) granting the motion. The ALJ found no extraordinary circumstances that would prevent the requested partial termination. The ALJ also found that Select Comfort had complied with the requirements of Commission Rule 210.21(a). No petitions for review of the ID were filed.

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: September 30, 2016