of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 201.8(c) of the Commission’s Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: May 24, 2013.

William R. Bishop,
Supervisory Hearings and Information Officer.

[FR Doc. 2013–12894 Filed 5–30–13; 8:45 am]
BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–752]

Certain Gaming and Entertainment Consoles, Related Software, and Components Thereof; Notice of Commission Determination Not To Review a Final Initial Remand Determination Finding No Violation of Section 337; Affirmation of Original Initial Determination as to Remaining Patent as Modified by the Remand Initial Determination; Termination of the Investigation


ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the final initial remand determination (“RID”) issued by the presiding administrative law judge (“ALJ”) on March 22, 2013. The Commission affirms the ALJ’s final initial determination (“ID”) issued on April 23, 2012, as to the remaining patent as modified by the RID.


On April 23, 2012, the ALJ issued his final ID, finding a violation of section 337 by Microsoft. Specifically, the ALJ found that Motorola’s alleged obligation to provide a license on reasonable and nondiscriminatory terms (“RAND”) precluded a finding of violation of the importation requirement of section 337 of the Tariff Act. Consequently, on April 24, 2012, the Commission adopted the ALJ’s final ID, finding a violation of section 337 by Microsoft. Specifically, the ALJ found that Motorola’s accused products directly infringe claims 1 and 12 of the ’896 patent; claims 7 and 10 of the ’094 patent; claims 1 and 12 of the ’259 patent; and claim 12 of the ’571 patent. Id. at 330. The ALJ also found that the accused products do not infringe asserted claims 6, 8, and 17, of the ’712 patent. With respect to invalidity, the ALJ found that the asserted claims of the ’896, ’094, ’571, and ’712 patents were invalid. However, he found asserted claim 1 of the ’571 patent invalid for anticipation. He also found that Microsoft failed to prevail on any of its equitable defenses and that Microsoft failed to establish that Motorola’s alleged obligation to provide a license on reasonable and nondiscriminatory terms (“RAND”) precluded a finding of violation of the importation requirement of section 337 of the Tariff Act.

On April 23, 2012, the ALJ issued his final ID, finding a violation of section 337 by Microsoft. Specifically, the ALJ found that Motorola’s alleged obligation to provide a license on reasonable and nondiscriminatory terms (“RAND”) precluded a finding of violation of the importation requirement of section 337 of the Tariff Act.