

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN AUTOMATED TELLER
MACHINES, ATM PRODUCTS,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING THE SAME**

Inv. No. 337-TA-972

NOTICE OF INITIAL DETERMINATION ON VIOLATION OF SECTION 337

(November 30, 2016)

On this date, I have issued an initial determination on violation of section 337 in this investigation pursuant to Commission Rule 210.42(a)(1)(i). For the reasons discussed therein, it is my final initial determination that there is a violation 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/or the sale within the United States after importation of certain automated teller machines, ATM products, components thereof, and products containing the same by reason of infringement of U.S. Patent Nos. 6,082,616 (the “616 patent”) and 7,832,631 (the “631 patent”). There is no violation with respect to U.S. Patent No. 7,229,010 (the “010 patent”). A public version of this initial determination shall issue within 30 days, or in the time necessary to identify and redact the confidential business information therein, pursuant to Commission Rule 210.5(f).

In the initial determination, I have made the following conclusions of law:

1. The Commission has subject matter jurisdiction over this investigation, *in personam* jurisdiction over the Nautilus Hyosung respondents, and *in rem* jurisdiction over the accused Nautilus Hyosung ATMs and ATM modules.

2. There has been an importation into the United States, sale for importation, or sale

within the United States after importation of the accused Nautilus Hyosung ATMs and ATM modules.

3. The Nautilus Hyosung Halo, Halo II, MX5200, and MX5600 series ATMs do not infringe claims 1, 6-8, 10, or 16 of the '616 patent.

4. The Nautilus Hyosung Halo, MX5200, and MX5600 series ATMs do not infringe claim 5 of the '616 patent.

5. The Nautilus Hyosung MX5600 ATM infringes claims 26 and 27 of the '616 patent.

6. The Nautilus Hyosung Halo, Halo II, MX5000, MX5200, and MX5300 series ATMs do not infringe claims 26 or 27 of the '616 patent.

7. The Nautilus Hyosung ATMs containing BCA modules do not infringe claims 1, 13, 14, 19, 20, or 24-26 of the '010 patent.

8. The BCA modules in certain Nautilus Hyosung ATMs infringe claims 1-7 and 18-20 of the '631 patent.

9. The CCIM modules in certain Nautilus Hyosung ATMs infringe claims 1-2 and 18-20 of the '631 patent.

10. Pursuant to Order No. 23, certain Nautilus Hyosung cash and check acceptor modules do not infringe claims 1-7 or 18-20 of the '631 patent.

11. Claims 1, 5-8, 10, 16, 26, and 27 of the '616 patent have not been shown to be invalid.

12. Claim 1 of the '010 patent is invalid as anticipated.

13. Claims 13, 14, 19, 20, and 24-26 of the '010 patent have not been shown to be invalid.

14. Claims 1-7 and 18-20 of the '631 patent have not been shown to be invalid.

15. The Diebold Opteva 500, Opteva 520, Opteva 522, Opteva 560, and Opteva 720 series ATMs practice claims 1, 5-8, 10, 16, 26, and 27 of the '616 patent.

16. The Diebold Opteva 720, Opteva 740, Opteva 750, Opteva 760, Opteva 858, and Opteva 878 ATMs that contain IDM5 depository modules practice claims 1, 13, 14, 19, 20, and 24-26 of the '010 patent.

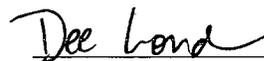
17. The IDMbd depository modules in certain Diebold 3700, Diebold 7700, Diebold 7780, Diebold 7790, Opteva 720, Opteva 720r, Opteva 740, Opteva 750, Opteva 760, Opteva 828, Opteva 858, Opteva 868, and Opteva 878 ATMs practice claims 1-7 and 18-20 of the '631 patent.

18. A domestic industry has been shown to exist in the United States as required by subsection (a)(2) of section 337 with respect to certain of the Diebold ATMs that practice claims of the '616 patent.

19. A domestic industry has not been shown to exist in the United States as required by subsection (a)(2) of section 337 with respect to any of the Diebold ATMs that practice claims of the '010 patent.

20. A domestic industry has been shown to exist in the United States as required by subsection (a)(2) of section 337 with respect to the Diebold IDMbd depository module that practices claims of the '631 patent.

SO ORDERED.



Dee Lord
Administrative Law Judge

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MODULES, COMPONENTS THEREOF, AND PRODUCTS
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PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served by hand upon the following parties as indicated, on **November 30, 2016**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
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**On Behalf of Complainants Diebold, Incorporated and
Diebold Self-Service Systems:**

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- Via Express Delivery
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**On Behalf of Respondents Nautilus Hyosung Inc., Nautilus
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