

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC**

In the Matter of

**CERTAIN MOBILE DEVICE
HOLDERS AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1028

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING-IN-PART
COMPLAINANT’S MOTION FOR SUMMARY DETERMINATION THAT THE
DEFAULTING RESPONDENTS VIOLATED SECTION 337**

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 presiding administrative law judge’s initial determination (Order No. 14) granting-in-part complainant’s motion for summary determination that certain respondents found in default have violated section 337.

FOR FURTHER INFORMATION CONTACT: Lucy Grace D. Noyola, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 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 SW, Washington, DC 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 14, 2016, based on a complaint and supplements, filed on behalf of Nite Ize, Inc. of Boulder, Colorado (“Nite Ize”). 81 *Fed. Reg.* 79519 (Nov. 14, 2016). The complaint as supplemented alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile device holders and components thereof by reason of infringement of certain claims of U.S. Patent No. 8,602,376 (“the ’376 patent”); U.S. Patent No. 8,870,146 (“the ’146 patent”); U.S. Patent No. D734,746 (“the ’746 patent”); and U.S. Patent No. D719,959 (“the ’959 patent”). *Id.* at 79519-20. The notice of investigation named many respondents, including the following

respondents that were found in default: REXS LLC of Lewes, Delaware (“REXS LLC”); Guangzhou Kuaguoyi E-commerce Co., Ltd. d/b/a Kagu Culture of Baiyun, China (“Kagu Culture”); Sunpauto Co., Ltd. of Kowloon, Hong Kong (“Sunpauto”); Shenzhen Topworld Technology Co. d/b/a IdeaPro of Hong Kong, Hong Kong (“IdeaPro”); Trendbox USA LLC d/b/a Trendbox of Scottsdale, Arizona (“Trendbox”); Tenswall d/b/a Shenzhen Tenswall International Trading Co., Ltd. of La Puente, California (“Tenswall”); Luo Jieqiong d/b/a Wekin of Chang Sha, China (“Wekin”); Pecham d/b/a Baichen Technology Ltd. of Wan Chai, Hong Kong (“Pecham”); Zhongshan Feiyu Hardware Technology Co., Ltd d/b/a YouFo of ZhongShan City, China (“YouFo”); and Shenzhen New Dream Technology Co., Ltd. d/b/a Newdreams; Wang Zhi Gang d/b/a IceFox (“IceFox”); Lin Zhen Mei d/b/a Anson (“Anson”); Tontek d/b/a Shenzhen Hetongtai Electronics Co., Ltd. (“Tontek”); Scotabc d/b/a ShenChuang Optoelectronics Technology Co., Ltd. (“Scotabc”); Zhiping Zhou d/b/a Runshion (“Runshion”); Oumeiou d/b/a Shenzhen Oumeiou Technology Co., Ltd. (“Oumeiou”); Shenzhen Yingxue Technology Co. Ltd. (“Shenzhen Yingxue”); Wu Xuying d/b/a Novoland (“Novoland”); Shenzhen Longwang Technology Co., Ltd. d/b/a LWANG (“LWANG”); Wang Guoxiang d/b/a Minse (“Minse”), all of Shenzhen, China (collectively, “the defaulting respondents”). *Id.* at 79520-21; Order No. 11 (May 1, 2017), *not reviewed*, Notice (May 26, 2017). The Office of Unfair Import Investigations (“OUII”) also was named as a party to the investigation. *Id.* at 79521.

On May 18, 2017, Nite Ize filed a motion for (1) summary determination that the defaulting respondents have sold for importation into the United States, imported into the United States, or sold after importation certain mobile device holders and components thereof that infringe the asserted patents; (2) summary determination that there is a domestic industry for the asserted patents; and (3) recommendation for entry of a general exclusion order or, in the alternative, limited exclusion orders, cease and desist orders against each of the defaulting respondents, and a bonding requirement during the presidential review period. On May 30, 2017, OUII filed a response, supporting-in-part and opposing-in-part Nite Ize’s motion.

On June 16, 2017, the presiding administrative law judge (“ALJ”) issued an initial determination (Order No. 14) granting-in-part Nite Ize’s motion. Specifically, the ALJ found that all the accused products have been imported into the United States. The ALJ found that Novoland, REXS LLC, Kagu Culture, Sunpauto, Trendbox, Wekin, Runshion, Pecham, LWANG, Scotabc, Tontek, Tenswall, and Shenzhen Yingxue imported, sold for importation, or sold after importation the accused products associated with each respondent. The ALJ found that Nite Ize is the sole assignee and owner of all the asserted patents. The ALJ found that the accused products from Anson, IceFox, Ideapro, Novoland, REXS LLC, Sunpauto, YouFo, Pecham, Runshion, LWANG, Minse, Oumeiou, Scotabc, Tontek, Tenswall, and Wekin infringe claims 1, 11, and 12 of the ’376 patent and claims 1, 11, and 12 of the ’146 patent. The ALJ also found that the accused product from REXS LLC infringes the claims of the ’959 and ’746 patents. The ALJ also found genuine issues of material fact as to whether IceFox, Newdreams, Anson, IdeaPro, Oumeiou, YouFo, and Minse import, sell for importation, or sell after importation the accused products associated with each respondent; whether Kagu Culture, Newdreams, Trendbox, and Shenzhen Yingxue infringe the asserted claims of the ’376 and ’146 patents; whether the accused products of the defaulting respondents other than REXS LLC infringe the claims of the ’959 and ’746 patents; and whether the domestic industry requirement is satisfied. Because the ALJ found that genuine issues of material fact preclude a summary

determination that a section 337 violation has occurred, the ALJ did not make findings related to a recommended determination on remedy and bonding. No petitions for review were filed.

The Commission has determined not to review the subject ID. However, the Commission notes a typographical error on page 40 of the ID describing the claim of the '746 patent as an "ornamental design for a large socket." The Commission corrects that statement to describe that claim as an "ornamental design for a phone kit."

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', written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: July 14, 2017