

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN MOBILE DEVICE
HOLDERS AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1028

**NOTICE OF THE COMMISSION'S DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO
CHANG LEE D/B/A FRENTALY; ISSUANCE OF CONSENT ORDER**

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 ("ALJ") initial determination ("ID") (Order No. 10) terminating the respondent Chang Lee d/b/a Frentaly based on a consent order stipulation, a proposed consent order, and a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436, telephone (202) 205-2737. 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 <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 ("complainant"). 81 FR 79519-20 (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; U.S. Patent No. 8,870,146; U.S. Patent No. D734,746; and U.S. Patent No. D719,959. The complaint further alleges that an industry in the United States exists as required

by subsection (a)(2) of section 337. The Commission's notice of investigation named Chang Lee d/b/a Frentaly of Duluth, Georgia, among others, as a respondent. The Office of Unfair Import Investigations ("OUII") was named as a party to the investigation.

On March 28, 2017, complainant filed a motion to terminate the investigation as to Frentaly based on a settlement agreement, consent order stipulation, and proposed consent order.

On April 13, 2017, the ALJ issued an ID (Order No. 10) terminating the investigation as to Frentaly based on the settlement agreement, consent order stipulation and a joint proposed consent order. The ALJ found that the consent order stipulation complied with the rules and that the parties' representations satisfied Commission Rule 210.21(c) that "there are no other agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation." The ALJ also found that the joint proposed consent order complies with Commission Rule 210.21(c)(4). Similarly, the ALJ found that the settlement agreement complied with Commission Rule 210.21(b). Finally, the ALJ found termination of the investigation does not impose any "undue burden on the public health and welfare, competitive conditions in the U.S. economy, the production of similar or directly competitive articles in the U.S., or U.S. consumers." No one petitioned for review.

The Commission has determined not to review the subject ID and has issued the consent order. The Commission has terminated Frentaly from the investigation.

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 CFR part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: May 15, 2017