

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

**In the Matter of**

**CERTAIN MOUNTING APPARATUSES  
FOR HOLDING PORTABLE  
ELECTRONIC DEVICES AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-1086**

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW-IN-PART AN  
INITIAL DETERMINATION GRANTING-IN-PART COMPLAINANT'S MOTION FOR  
SUMMARY DETERMINATION OF VIOLATION OF SECTION 337 BY THE  
DEFAULTING RESPONDENTS; ON REVIEW, TO REVERSE AND REMAND  
PORTIONS OF THE INITIAL DETERMINATION; AND EXTENSION OF THE  
TARGET DATE FOR COMPLETION OF THE INVESTIGATION**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to: (1) review-in-part an initial determination ("ID") (Order No. 15) of the chief administrative law judge ("ALJ"), granting-in-part complainant's motion for summary determination of violation of section 337 by the defaulting respondents; (2) on review, to reverse and remand portions of the ID; and (3) extend the target date for completion of the investigation to June 6, 2019 due to the federal government shutdown.

**FOR FURTHER INFORMATION CONTACT:** Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, D.C. 20436, telephone (202) 708-2310. 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, 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 28, 2017, based on a complaint filed on behalf of National Products Inc. ("NPI") of Seattle, Washington. 82 FR 56266-67. The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by reason of infringement of certain claims of

U.S. Patent Nos. 8,544,161 (“the ’161 patent”); D703,657; 8,186,636; D571,278 (“the D’278 patent”); D574,204; and 9,568,148; and U.S. Trademark Registration No. 4,254,086. The Commission’s notice of investigation named ten respondents, including Shenzhen Chengshuo Technology Co., Ltd., d/b/a WUPP (“WUPP”) of Zhejiang, China; Foshan City Qishi Sporting Goods, Technology Co., Ltd., Guangzhou Kean Products Co., Ltd., Gangzhou Kaicheng Metal Produce Co., Shenzhen Smilin Electronic Technology, Co., Ltd., and Shenzhen New Dream Intelligent Plastic, Co., Ltd., all of Guangdong, China; Chengdu MWUPP Technology Co., Ltd. of Sichuan Province, China; and Shenzhen Yingxue Technology Co., Ltd., d/b/a Yingxue Tech. (“Yingxue Technology”), Shenzhen Shunsihang Technology Co., Ltd., d/b/a BlueFire (“BlueFire”), and Prolech Electronics Limited, all of Shenzhen, China. The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. All respondents in the investigation have been found in default, and the D’278 patent has been terminated from the investigation. *See* Comm’n Notice (June 5, 2018); Comm’n Notice (July 18, 2018).

On June 20, 2018, NPI filed a motion (as supplemented on July 10, July 19, and September 14, 2018) for summary determination of violation of section 337 by the defaulting respondents and requested a general exclusion order (“GEO”). Regarding the ’161 patent, NPI alleged induced and contributory infringement of claim 1 with respect to the accused products of the defaulting respondents, including WUPP, Yingxue Technology, and BlueFire. OUII supported the motion in part.

The ALJ issued the subject ID on November 28, 2018, which granted in part the motion for summary determination. The ID found a violation as to U.S. Patent Nos. D,703,657; 8,186,636; D574,204; and 9,568,148 and U.S. Trademark Registration No. 4,254,086 (*i.e.*, all remaining asserted intellectual property except the ’161 patent). The ALJ recommended issuance of a GEO if the Commission finds a violation of section 337. The ID also found that NPI did not establish, through substantial, reliable, and probative evidence, that the defaulting respondents’ accused products directly infringe claim 1 of the ’161 patent. Apart from infringement, the ID found that all other elements of a violation of Section 337 as to the ’161 patent were established.

On December 10, 2018, NPI petitioned for review of the subject ID’s finding of no direct infringement of claim 1 of the ’161 patent with respect to the accused WUPP X-Grip Mount. On December 17, 2018, OUII filed a response to NPI’s petition for review.

The Commission has determined to review the ID in part. Specifically, the Commission has determined to review the ID’s finding that NPI did not establish direct infringement of claim 1 of the ’161 patent with respect to the accused WUPP X-Grip Mount by substantial, reliable, and probative evidence. Having reviewed the record in this investigation, including NPI’s petition and OUII’s response thereto, on review, the Commission has determined to reverse this finding. The Commission has also determined to remand to the ALJ, as set forth in the Commission’s Order accompanying this notice, the issues of whether NPI has established induced and/or contributory infringement of claim 1 of the ’161 patent by substantial, reliable, and probative evidence, thereby constituting a violation of section 337. The Commission has determined not to review the remainder of the ID.

The Commission has also determined to extend the target date to June 6, 2019, after accounting for tolling in view of the shutdown of the federal government in December 2018 and January 2019.

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.

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: March 18, 2019