

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

**In the Matter of**

**CERTAIN AUDIO PLAYERS AND  
CONTROLLERS, COMPONENTS  
THEREOF, AND PRODUCTS  
CONTAINING THE SAME**

**Investigation No. 337-TA-1191**

**NOTICE OF COMMISSION DETERMINATION TO EXTEND THE DEADLINE FOR  
DETERMINING WHETHER TO REVIEW AN INITIAL DETERMINATION ON  
VIOLATION OF SECTION 337**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to extend until November 19, 2021, the deadline for determining whether to review the presiding chief administrative law judge's ("CALJ") initial determination ("ID") on violation of section 337 of the Tariff Act of 1930, as amended, in the above-captioned investigation.

**FOR FURTHER INFORMATION CONTACT:** Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3179. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov). General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** On February 11, 2020, the Commission instituted this investigation based on a complaint filed by Sonos, Inc. ("Sonos") of Santa Barbara, California. 85 FR 7783 (Feb. 11, 2020). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337) ("section 337"), based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain audio players and controllers, components thereof, and products containing the same by reason of infringement of certain claims of U.S. Patent Nos. 9,195,258 ("the '258 patent"); 10,209,953 ("the '953 patent"); 8,588,949 ("the '949 patent"); 9,219,959 ("the '959 patent"); and 10,439,896 ("the '896 patent"). *Id.* The complaint further alleges that a domestic industry exists. *Id.* The

notice of investigation named as respondents Google LLC (“Google”) and Alphabet Inc. (“Alphabet”), both of Mountain View, California. *Id.* The Office of Unfair Import Investigations (“OUII”) is also named as a party. *Id.*

On September 21, 2020, the Commission terminated the investigation as to Alphabet based on withdrawal of the allegations in the complaint directed to Alphabet. Order No. 18 (Sept. 1, 2020), *unreviewed by* Comm’n Notice (Sept. 21, 2020). On November 24, 2020, the Commission determined that the importation requirement has been satisfied. Order No. 27 (Oct. 27, 2020), *unreviewed by* Comm’n Notice (Nov. 24, 2020). On February 2, 2021, the Commission determined that the technical prong of the domestic industry requirement has been satisfied as to the ’949 patent. Order No. 32 (Jan. 4, 2021), *unreviewed by* Comm’n Notice (Feb. 2, 2021). On February 16, 2021, the Commission determined that the economic prong of the domestic industry requirement has been satisfied as to all asserted patents. Order No. 35 (Jan. 14, 2021), *reviewed and aff’d by* Comm’n Notice (Feb. 16, 2021). On March 12, 2021, the Commission partially terminated the investigation based on withdrawal of the allegations in the complaint as to the following asserted claims: claims 22 and 23 of the ’258 patent; claims 12 and 13 of the ’953 patent; claims 5, 9, 29, and 35 of the ’959 patent; and claim 3 of the ’896 patent. Order No. 58 (Feb. 23, 2021), *unreviewed by* Comm’n Notice (Mar. 12, 2021).

On August 13, 2021, the CALJ issued a combined ID on violation and a recommended determination (“RD”) on remedy and bonding. The ID finds violations of section 337 with respect to all asserted patents. ID at 180-82. The RD recommends that, should the Commission determine that violations of section 337 occurred, then the Commission should: (i) issue a limited exclusion order against Google; (ii) issue a cease and desist order against Google; and (iii) set a 100 percent bond for any importations of infringing products during the period of Presidential review. *Id.* at 182-88.

On August 27, 2021, Sonos and Google each filed a petition for review of the ID on violation. On September 7, 2021, the private parties filed responses to each other’s petitions, and OUII filed a combined response to both petitions.

On September 13, 2021, the Commission received eight submissions on the public interest from members of the public in response to the Commission’s Federal Register notice. *See* 86 FR 46715 (Aug. 19, 2021). The Commission did not receive submissions on the public interest from the parties pursuant to Commission Rule 210.50(a)(4) (19 CFR 210.50(a)(4)).

The Commission has determined to extend until November 19, 2021, the deadline for determining whether to review the ID on violation.

The Commission vote for this determination took place on October 14, 2021.

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', written in a cursive style.

Lisa R. Barton  
Secretary to the Commission

Issued: October 14, 2021