

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN ELECTRONIC EYEWEAR
PRODUCTS AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1383

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO
CERTAIN RESPONDENTS BASED ON SETTLEMENT**

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 an initial determination (“ID”) (Order No. 37) of the presiding Administrative Law Judge (“ALJ”) granting an unopposed motion to terminate the investigation as to respondents Zhuhai Wicue Technology Co., Ltd. of Zhuhai, China; Ampere LLC, Ampere Technologies, and GGTR LLC, all of Dover, Delaware; and Gogotero LLC of Brooklyn, New York (collectively, “Terminated Respondents”) based on settlement.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. 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. 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 on (202) 205-1810.

SUPPLEMENTARY INFORMATION: On December 27, 2023, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by Ingeniospec, LLC (“Ingeniospec”) of San Jose, California. *See* 88 FR 89465-66 (Dec. 27, 2023). The complaint alleges a violation 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 electronic eyewear products and components thereof by reason of the infringement of certain claims of U.S. Patent Nos. 8,770,742; 10,310,296; 11,762,224; and 11,803,069. *See id.* In addition to the Terminated Respondents, the notice of investigation names the following as respondents: Bose Corporation of Framingham, Massachusetts; Epson America, Inc. of Los Alamitos, California; Seiko Epson Corporation of Nagano, Japan; Eversight Ltd. of Haifa, Israel; Eversight US Inc. of New York, New York; Quanta Computer Incorporated of Taoyuan City, Taiwan; Lenovo (United States), Inc. of

Morrisville, North Carolina; Lenovo Group Limited of Hong Kong, China; Lenovo Information Products (Shenzhen) Co., Ltd. of Shenzhen, China; Lucyd Ltd. of London, United Kingdom; Innovative Eyewear, Inc. of North Miami, Florida; Luxottica Group S.p.A. of Milan, Italy; Luxottica of America, Inc. of Mason, Ohio; Magic Leap, Inc. of Plantation, Florida; Razer Inc. and Razer USA Ltd., both of Irvine, California; TCL Technology Group Corporation of Huizhou, China; TCL Electronics Holdings Limited of Hong Kong, China; Falcon Innovation Technology, (Shenzhen) Co., Ltd. of Shenzhen, China; ThirdEye Gen, Inc. of Princeton, New Jersey; Vuzix Corporation of West Henrietta, New York; XREAL, Inc. of Sunnyvale, California; EXREAL Technology Limited of Hong Kong, China; and Matrixed Reality Technology Co., Ltd. of Wuxi, China. *See id.* The Office of Unfair Import Investigations is not a party to the investigation. *Id.*

The Commission previously terminated respondents Lucyd Ltd., Innovative Eyewear, Inc., Everysight Ltd., Everysight US Inc., Quanta Computer Incorporated, Epson America, Inc., Seiko Epson Corporation, Vuzix Corporation, Razer Inc., and Razer USA Ltd. from the investigation based on settlement. *See* Order No. 17 (Jan. 31, 2024), *unreviewed by* Comm’n Notice (Feb. 29, 2024); Order No. 18 (Feb. 2, 2024), *unreviewed by* Comm’n Notice (Mar. 4, 2024); Order No. 24 (Feb. 27, 2024), *unreviewed by* Comm’n Notice (Mar. 21, 2024); Order No. 28 (Mar. 4, 2024), *unreviewed by* Comm’n Notice (Mar. 21, 2024); Order No. 35 (Mar. 20, 2024), *unreviewed by* Comm’n Notice (Apr. 17, 2024).

On March 1, 2024, complainant Ingeniospec and the Terminated Respondents filed a joint motion to terminate the investigation as to the Terminated Respondents based on settlement, to stay the procedural deadlines as to the Terminated Respondents, and to limit service of the settlement agreement. The motion indicates that the remaining respondents do not oppose the motion to terminate, but that certain respondents oppose the motion to the extent it seeks to limit service of the unredacted settlement agreement. *See* ID at 1-2. No separate response to the motion was received.

On March 21, 2024, the ALJ issued the subject ID (Order No. 37) granting the motion to terminate the Terminated Respondents based on settlement. Pursuant to Commission Rule 210.21(b) (19 CFR 210.21(b)), the ID notes that “public and confidential versions of the settlement agreement between Ingeniospec and [the Terminated Respondents] were attached to the motion.” ID at 2. The ID also notes that “the motion contains a statement that there are no other agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation.” *Id.* The ID further finds, pursuant to Commission Rule 210.50(b)(2) (19 CFR 210.50(b)(2)), that termination of the Terminated Respondents from the investigation will not adversely affect the public interest. *See id.* at 2-3. The ALJ granted the request to limit service of the confidential version of the settlement agreement and to suspend the procedural schedule as to the Terminated Respondents. *See id.* at 3.

No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID. The investigation is terminated with respect to the Terminated Respondents.

The Commission vote for this determination took place on April 17, 2024.

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: April 17, 2024