

**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 AND CERTAIN PATENT CLAIMS**

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. 57) of the presiding Administrative Law Judge (“ALJ”) granting an unopposed motion to terminate the investigation based on withdrawal of the complaint as to: (1) respondents Bose Corporation (“Bose”) of Framingham, Massachusetts, and Lenovo (United States), Inc. of Morrisville, North Carolina, Lenovo Group Limited of Hong Kong, China, and Lenovo Information Products (Shenzhen) Co., Ltd. of Shenzhen, China (collectively, “Lenovo”); and (2) U.S. Patent No. 11,803,069 (“the ’069 patent”) in its entirety and claims 29, 30, 32, 40, 41, 42, and 48 of U.S. Patent No. 11,762,224 (“the ’224 patent”).

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” or “Complainant”) 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; the ’224 patent; and the ’069 patent. *See id.* In addition to Bose and Lenovo, the notice of investigation names the following as respondents: Ampere LLC,

Ampere Technologies, and GGTR LLC, all of Dover, Delaware; Gogotoro LLC of Brooklyn, New York; Zhuhai Wicue Technology Co., Ltd. of Zhuhai, China; Epson America, Inc. of Los Alamitos, California; Seiko Epson Corporation of Nagano, Japan; Everysight Ltd. of Haifa, Israel; Everysight US Inc. of New York, New York; Quanta Computer Incorporated of Taoyuan City, Taiwan; 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. *See 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.; Razer USA Ltd.; Zhuhai Wicue Technology Co., Ltd.; Ampere LLC; Ampere Technologies; GGTR LLC; Gogotoro LLC; TCL Technology Group Corporation; TCL Electronics Holdings Limited; Falcon Innovation Technology, (Shenzhen) Co., Ltd.; Luxottica Group S.p.A. of Milan, Italy; and Luxottica of America, Inc. of Mason, Ohio, 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); Order No. 37 (Mar. 21, 2024), *unreviewed by* Comm’n Notice (Apr. 17, 2024); Order No. 39 (Apr. 1, 2024), *unreviewed by* Comm’n Notice (Apr. 26, 2024); Order No. 47 (May 10, 2024), *unreviewed by* Comm’n Notice (May 22, 2024).

On June 11, 2024, Complainant filed an unopposed motion (“Motion”) to terminate the investigation based on withdrawal of the complaint as to: (1) respondents Bose and Lenovo; and (2) the ’069 patent in its entirety, as well as claims 29, 30, 32, 40, 41, 42, and 48 of the ’224 patent. No response to the Motion was filed.

On June 20, 2024 (as corrected on June 27, 2024), the ALJ issued the subject ID (Order No. 57) granting the Motion and terminating Bose and Lenovo as well as “[t]he 069 patent, in its entirety, and claims 29, 30, 32, 40, 41, 42, and 48 of the 224 patent.” *See* ID at 4. The ID notes that, pursuant to Commission Rule 210.21(a), 19 CFR 210.21(a), Complainant represents that “there are no agreements, written or oral, express or implied between Complainant and Bose or Lenovo concerning the subject matter of this Investigation.” *See id.* at 2-3. Furthermore, the ID finds “no extraordinary circumstances” that would prevent the requested termination as to Bose and Lenovo as well as the requested patent and patent claims [sic, listed claims]. *See id.* at 3-4.

No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID. Respondents Bose and Lenovo are terminated from the investigation. In addition, the '069 patent in its entirety and claims 29, 30, 32, 40, 41, 42, and 48 of the '224 patent are terminated from the investigation.

The Commission's vote for this determination took place on July 8, 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: July 8, 2024