

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. 69) of the presiding Administrative Law Judge (“ALJ”) granting an unopposed motion to terminate the investigation as to respondents XREAL, Inc. of Sunnyvale, California; EXREAL Technology Limited of Hong Kong, China; and Matrixed Reality Technology Co., Ltd. of Wuxi, China (collectively, “Settling 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 (“the ’224 patent”); and 11,803,069 (“the ’069 patent”). *See id.* In addition to the Settling Respondents, the notice of investigation names the following 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; Bose Corporation of Framingham, Massachusetts; 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; 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; and Vuzix Corporation of West Henrietta, New York. *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.; 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.; Luxottica of America, Inc.; Bose Corporation; Lenovo (United States), Inc.; Lenovo Group Limited; Lenovo Information Products (Shenzhen) Co., Ltd.; and ThirdEye Gen, Inc. *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); Order No. 56 (June 20, 2024), *unreviewed by* Comm’n Notice (July 8, 2024); Order No. 57 (June 20, 2024), *unreviewed by* Comm’n Notice (July 8, 2024).

On July 8, 2024, the Commission terminated the investigation as to the ’069 patent in its entirety, as well as claims 29, 30, 32, 40-42, and 48 of the ’224 patent, based on withdrawal of the complaint as to that patent and those claims.

On September 9, 2024, complainant Ingeniospec and the Settling Respondents filed a joint motion (“Motion”) to terminate the investigation as to the Settling Respondents based on settlement, to stay the procedural deadlines as to the Settling Respondents, and to limit service of the settlement agreement. The Motion indicates that the only remaining respondent, Magic Leap, Inc., does not oppose terminating the Settling Respondents. No separate response to the Motion was received.

On September 19, 2024, the ALJ issued the subject ID (Order No. 69) granting the Motion. 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 Settling 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 Settling Respondents from the investigation will not adversely affect the public interest. *See id.* The ALJ also granted the request to limit service of the confidential version of the settlement agreement and to suspend the procedural schedule as to the Settling 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 Settling Respondents.

The Commission’s vote for this determination took place on October 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", enclosed in a large, loopy oval shape.

Lisa R. Barton
Secretary to the Commission

Issued: October 8, 2024