NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL DETERMINATION GRANTING A MOTION BY COMPLAINANT TO TERMINATE CERTAIN PATENTS FROM THE INVESTIGATION BASED UPON WITHDRAWAL OF ALLEGATIONS PERTAINING TO THOSE PATENTS FROM THE COMPLAINT


ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge’s (“ALJ”) initial determination (“ID”) (Order No. 48) granting a motion by complainants to terminate the investigation as to United States Patent Nos. 5,357,571 (“the '571 patent”) and 5,319,712 (“the '712 patent”) based upon withdrawal of allegations pertaining to those patents from the complaint.

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3042. 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, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at http://www.usitc.gov. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at http://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.

sale for importation, and the sale within the United States after importation of certain gaming and entertainment consoles, related software, and components thereof by reason of infringement of various claims of United States Patent Nos. 6,069,896; 7,162,094; 6,980,596; the ’571 patent; and the ’712 patent. The notice of investigation named Microsoft Corporation of Redmond, Washington as the sole respondent. *Id.*

On October 24, 2012, Motorola filed a motion to terminate the investigation as to the ’571 and ’712 patents based upon withdrawal of allegations pertaining to those patents from the complaint. No responses to the motion were filed.

On November 6, 2012, the ALJ issued the subject ID (Order No. 48) granting the motion. The ALJ found that the motion complied with the requirements of Commission Rule 210.21(a) (19 C.F.R. § 210.21(a)) and that no extraordinary circumstances prohibited granting the motion. None of the parties petitioned for review of the ID.

The Commission has determined not to review the ID.


By order of the Commission.

/s/
Lisa R. Barton
Acting Secretary to the Commission

Issued: December 6, 2012