

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN GAMING AND
ENTERTAINMENT CONSOLES,
RELATED SOFTWARE, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-752

**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**

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 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.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on December 23, 2010, based on a complaint filed by Motorola Mobility, Inc. of Libertyville, Illinois and General Instrument Corporation of Horsham, Pennsylvania (collectively "Motorola"). 75 *Fed. Reg.* 80843 (Dec. 23, 2010). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the

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.

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 section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

/s/

Lisa R. Barton
Acting Secretary to the Commission

Issued: December 6, 2012