

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

In the Matter of

**CERTAIN VIDEO GAME SYSTEMS
AND WIRELESS CONTROLLERS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-770

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION EXTENDING THE TARGET DATE**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to not review the ALJ's initial determination (Order No. 43) extending the target date of this investigation to September 12, 2013.

FOR FURTHER INFORMATION CONTACT: Jia Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-4737. 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: On April 27, 2011, the Commission instituted the subject investigation based on a complaint filed by Creative Kingdoms, LLC of Wakefield, Rhode Island and New Kingdoms, LLC of Nehalem, Oregon (collectively, "CK"). *76 Fed. Reg.* 23624 (Apr. 27, 2011). The complaint alleges violations of Section 337 by reason of infringement of certain claims of U.S. Patent Nos. 7,500,917 ("the '917 patent"), 7,896,742, 7,850,527, and 6,761,637 (the '637 patent). The named respondents are Nintendo Co., Ltd., of Kyoto, Japan and Nintendo America, Inc. of Redmond, Washington (collectively, "Nintendo"). The '637 patent was subsequently terminated from the investigation. On August 31, 2012, the ALJ issued a final ID finding no violation of section 337 by Nintendo. On November 7, 2012, the Commission determined to review the ID in-part and issued an opinion with respect to the claim construction of the term "toy wand" of the asserted claim of the '917 patent along with its review notice. In addition, the Commission issued a remand order for the ALJ to make findings

on certain issues. According to the remand order, the ALJ shall set a new target date for completion of the investigation within 30 days of the order.

On November 9, 2012, CK submitted a letter to the ALJ proposing that the parties submit limited briefing on validity and infringement of the '917 patent in light of the Commission's new claim construction for the term "toy wand." CK requested that the ALJ set a target date of September 12, 2013 for completion of this investigation. Respondents did not oppose CK's proposal. The IA concurred with CK's proposal. Accordingly, on November 16, 2012, the ALJ issued the subject ID extending the target date of this investigation to September 12, 2013 and the due date for the ID on remand to May 12, 2013.

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 sections 210.42-46 and 210.50 of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.42-46 and 210.50).

By order of the Commission.

/s/

Lisa R. Barton
Secretary to the Commission

Issued: December 11, 2012