

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

In the Matter of

**CERTAIN MOTION-SENSITIVE
SOUND EFFECTS DEVICES AND
IMAGE DISPLAY DEVICES AND
COMPONENTS AND PRODUCTS
CONTAINING SAME**

Inv. No. 337-TA-773

NOTICE OF INVESTIGATION

Institution of investigation pursuant to 19 U.S.C. § 1337

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 1, 2011, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Ogma, LLC of Longview, Texas. An amended complaint was filed on April 26, 2011, and a supplement was filed on May 5, 2011. The amended complaint alleges violations 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 motion-sensitive sound effects devices and image display devices and components and products containing same by reason of infringement of certain claims of U.S. Patent No. 6,150,947 (“the ‘947 patent”) and U.S. Patent No. 5,825,427 (“the ‘427 patent”). The amended complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

ADDRESSES: The amended complaint and supplement, except for any confidential information contained therein, are 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., Room 112, Washington, D.C. 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 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>.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations,

U.S. International Trade Commission, telephone (202) 205-2560.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2011).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on May 12, 2011, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain motion-sensitive sound effects devices and image display devices and components and products containing same that infringe one or more of claims 1, 6, 7, and 9, of the '947 patent and claims 1-3 of the '427 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Ogma, LLC
3301 W. Marshall Ave.
Longview, TX 75604

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the amended complaint is to be served:

Activision Blizzard, Inc.
3100 Ocean Park Blvd.
Santa Monica, CA 90405

Canon, Inc.
30-2, Shimomaruko 3-chome Ohta-ku
Tokyo 146-8501,
Japan

Canon USA, Inc.
One Canon Plaza
Lake Success, NY 11042

Jakks Pacific, Inc.
22619 Pacific Coast Highway,
Malibu, CA 90265

Kyocera Communications, Inc.
9520 Towne Centre Drive
San Diego, California 92121

LEGO A/S dba LEGO Group
Aastvej 1, Dk-7190 Billund
Denmark

LEGO Systems, Inc.
555 Taylor Road
Enfield, CT 06082

Lenovo (United States), Inc.
1009 Think Place
Morrisville, NC 27560

Lenovo Group Ltd.
No. 6 Chuang Ye Road
Shangdi Information Industry Base
Haidian District
Beijing 100085
China

Lenovo (Singapore) Pte. Ltd.
New Tech Park
151 Lorong, Chuan,
(S) 556741 at Serangoon Garden
Singapore

Mad Catz, Inc.
7480 Mission Valley Road, Suite 101
San Diego, CA 92108

Nintendo Co., Ltd.
11-1 Kamitoba-hokotate-cho,
Minami-ku. Kyoto 601-8501,
Japan

Nintendo of America, Inc.
4600 150th Avenue NE
Redmond, WA 98052

Nyko Technologies, Inc.
1990 Westwood Blvd., 3rd Floor
Los Angeles, CA 90025

Sony Ericsson Mobile Communications (USA), Inc.
3333 Piedmont Road, Suite 600
Atlanta, GA 30305

Sony Ericsson Mobile Communications AB
Nya Vattentorget SE-221, 88 Lund
Sweden

Vivitek Corporation
4425 Cushing Parkway
San Jose, CA 94538

VTech Electronics North America, LLC
1155 W. Dundee, Suite 130
Arlington Heights, IL 60004

VTech Holdings, Ltd.
23/F, Tai Ping Industrial Centre, Block 1
57 Ting Kok Rd.,
Tai Po, New Territories
Hong Kong

ViewSonic Corp., Ltd.
381 Brea Canyon Road,
Walnut, CA 91789

WowWee Group Ltd.
Energy Plaza, 3F, 92 Granville Road
Tsim Sha Tsui East, Hong Kong

WowWee USA, Inc.
5963 La Place Court, Suite 207
Carlsbad, CA 92008

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the amended complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(d)-(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the amended complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the amended complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the amended complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

/s/
James R. Holbein
Acting Secretary to the Commission

Issued: May 13, 2011