

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN COMPUTERS AND
COMPUTER PERIPHERAL DEVICES
AND COMPONENTS THEREOF AND
PRODUCTS CONTAINING THE SAME

Investigation No. 337-TA-841

COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING JOINT MOTION TO TERMINATE INVESTIGATION
WITH RESPECT TO RESPONDENT DELL INC. BASED ON A SETTLEMENT
AGREEMENT

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. 46) of the presiding administrative law judge (“ALJ”) granting a joint motion to terminate the above-referenced investigation with respect to respondent Dell Inc. based on a settlement agreement.

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: The Commission instituted this investigation on May 2, 2012, based on a complaint filed by Technology Properties Limited, LLC (“TPL”) of Cupertino, California. 77 *Fed. Reg.* 26041 (May 2, 2012). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by reason of infringement of certain claims of U.S. Patent Nos. 6,976,623, 7,162,549, 7,295,443, 7,522,424, 6,438,638, and 7,719,847. The complaint further alleges the existence of a domestic industry. The notice of investigation named twenty-one respondents, including Dell Inc. (“Dell”) of Round Rock, Texas.

On June 17, 2013, TPL and Dell filed a joint motion pursuant to Commission Rule 210.21(a)(2) to terminate the investigation as to Dell on the basis of a settlement agreement (“Settlement Agreement”) that resolves their litigation. Public and confidential versions of the Settlement Agreement were attached to the motion. The motion also stated that there are no other agreements, written or oral, express or implied, between the parties concerning the subject matter of this investigation. No other parties filed a response to the motion.

On June 19, 2013, the ALJ issued the subject ID granting the motion, finding that no extraordinary circumstances exist that would prevent the requested termination of Dell from this investigation and that the motion fully complies with Commission Rule 210.21. The ALJ further found that partial termination of the investigation is in the public interest. No petitions for review were filed.

The Commission has determined not to review the subject 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.

A handwritten signature in black ink, appearing to read 'Lisa Barton', written over a horizontal line.

Lisa Barton
Secretary to the Commission

Issued: July 16, 2013