

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

**In the Matter of**

**CERTAIN EARPIECE DEVICES  
HAVING POSITIONING AND  
RETAINING STRUCTURE AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-912**

**NOTICE OF COMMISSION DETERMINATION TO EXTEND THE DATE FOR  
DETERMINING WHETHER TO REVIEW AN INITIAL DETERMATION  
(ORDER NO. 15)**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to extend the date for determining whether to review an initial determination (“ID”) (Order No. 15) issued by the presiding administrative law judge (“ALJ”) on October 6, 2014, finding that the respondents are unable to show that U.S. Patent No. 8,311,253 (“the ’253 patent”) is unenforceable due to inequitable conduct. The date is extended to November 28, 2014.

**FOR FURTHER INFORMATION CONTACT:** Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5468. 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 (<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 April 4, 2014, based on a complaint filed on behalf of Bose Corporation of Framingham, Massachusetts (“Bose”). 79 *Fed. Reg.* 18696 (April 3, 2014). The 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 earpiece devices having positioning and retaining structure and components

thereof by reason of infringement of certain claims of the '253 Patent. The notice of investigation named as respondents Monster, Inc. of Brisbane, California; Monster, LLC of Las Vegas, Nevada; and Monster Technology International, Ltd. of Ennis, Ireland (collectively "Monster"). *Id.* The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

On August 29, 2014, Bose filed a motion for a summary determination that Monster cannot establish its inequitable conduct defense. On September 11, 2014, Monster opposed the motion. On September 23, 2014, Bose filed a motion for leave to file a reply. On October 6, 2014, the ALJ issued the subject ID, granting Bose's motion for summary determination and its motion for leave to file a reply.

On October 15, 2014, Monster petitioned for review of the ID. Bose did not file a response in opposition to Monster's petition. On October 24, 2014, Bose and Monster filed a joint motion to terminate the investigation based on a settlement agreement, and to stay the procedural schedule. On October 28, 2014, the ALJ granted the parties' motion. *See* Order No. 16.

The Commission has determined to extend the date for determining whether to review the subject ID to November 28, 2014.

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 Part 210 of the Commission's Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.



Lisa R. Barton  
Secretary to the Commission

Issued: November 4, 2014