

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

In the Matter of

Investigation No. 337-TA-943

CERTAIN WIRELESS HEADSETS

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING A
JOINT MOTION TO TERMINATE THE INVESTIGATION AS TO
RESPONDENTS SENNHEISER ELECTRONIC GMBH & CO. KG AND
SENNHEISER ELECTRONIC CORPORATION BASED ON SETTLEMENT**

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. 10) granting a joint motion to terminate the investigation as to respondents Sennheiser Electronic GmbH & Co. KG and Sennheiser Electronic Corporation based on settlement.

FOR FURTHER INFORMATION CONTACT: Lucy Grace D. Noyola, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3438. 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 January 13, 2015, based on a complaint filed by One-E-Way, Inc. of Pasadena, California (“One-E-Way”). 80 Fed. Reg. 1663 (Jan. 13, 2015). The complaint alleges 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 wireless headsets by reason of infringement of certain claims of U.S. Patent No. 7,865,258 and U.S. Patent No. 8,131,391. *Id.* The notice of investigation named several respondents, including, among others, Sony Corporation of Tokyo, Japan; Sony Corporation of America of New York, New York; Sony Electronics, Inc. of San Diego, California; Sennheiser Electronic

GmbH & Co. KG of Wedemark, Germany; Sennheiser Electronic Corporation of Old Lyme, Connecticut; BlueAnt Wireless Pty, Ltd. of Richmond, Australia; BlueAnt Wireless, Inc. of Chicago, Illinois; Creative Technology Ltd. of Singapore; Creative Labs, Inc. of Milpitas, California; Jawbone, Inc. of San Francisco, California; and GN Netcom A/S d/b/a Jabra of Ballerup, Denmark. *Id.* The Office of Unfair Import Investigations (OUII) also was named as a party to the investigation. *Id.*

On April 30, 2015, One-E-Way and Sennheiser Electronic GmbH & Co. KG and Sennheiser Electronic Corporation (collectively, “Sennheiser”) filed a joint motion to terminate the investigation with respect to Sennheiser based on a settlement. The motion also included a request that service of the confidential settlement agreement be restricted to the moving parties and the OUII. On May 8, 2015, the OUII filed a response supporting the motion.

On May 19, 2015, the presiding administrative law judge (“ALJ”) issued an ID, Order No. 10, granting the motion. The ALJ found that the parties complied with the Commission rules by filing a confidential version of the motion with a confidential version of the settlement agreement, by filing a public version of the motion with a public version of the settlement agreement, and by representing that there are no other agreements concerning the subject matter of this investigation. The ALJ also found that the termination is not contrary to the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, or U.S. consumers. The ALJ instead found that termination as to Sennheiser is in the public interest because public and private resources will be conserved. 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 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: June 11, 2015