

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

**In the Matter of**

**CERTAIN AUTOMATED TELLER  
MACHINES, ATM MODULES,  
COMPONENTS THEREOF, AND  
PRODUCTS CONTAINING THE SAME**

**Investigation No. 337-TA-972**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN  
INITIAL DETERMINATION GRANTING A SUMMARY DETERMINATION  
THAT CLAIMS 20-24 OF U.S. PATENT NO. 7,314,163 ARE INVALID UNDER  
35 U.S.C. § 101**

**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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 21) granting a summary determination that claims 20-24 of U.S. Patent No. 7,314,163 are invalid under 35 U.S.C. § 101.

**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 November 20, 2015, based on a complaint filed by Diebold Incorporated and Diebold Self-Service Systems (collectively, "Diebold"). 80 Fed. Reg. 72735-36 (Nov. 20, 2015). The complaint alleged 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 automated teller machines, ATM modules, components thereof, and products containing the same by reason of

infringement of certain claims of United States Patent Nos. 6,082,616; 7,121,461 (“the ’461 patent”); 7,229,010; 7,249,761 (“the ’761 patent”); 7,314,163 (“the ’163 patent”); and 7,832,631. *Id.* The notice of investigation named as respondents Nautilus Hyosung Inc. of Seoul, Republic of Korea; Nautilus Hyosung America Inc. of Irving, Texas; and HS Global, Inc. of Brea, California. *Id.* at 72736. The Office of Unfair Import Investigations (OUII) is not a party to the investigation. *Id.* The Commission previously terminated the investigation with respect to the ’461 and ’761 patents. Order No. 12 (Apr. 28, 2016), *not reviewed* Notice (May 11, 2016). The Commission also previously terminated the investigation with respect to several claims of the remaining four patents. Order No. 14 (May 24, 2016), *not reviewed* Notice (June 22, 2016); Order No. 15 (June 7, 2016), *not reviewed* Notice (July 5, 2016).

On April 25, 2016, Nautilus moved for a summary determination that all of the then-asserted claims (*i.e.*, claims 1-5 and 13-24) of the ’163 patent are invalid under 35 U.S.C. § 101 because they are directed to a patent-ineligible abstract idea. On May 4, 2016, Diebold opposed the motion. On May 9, 2016, Nautilus filed a reply in support of their motion.

Shortly thereafter, Diebold notified the Commission of the supplemental authority *Enfish, LLC v. Microsoft Corp.*, Case No. 2015-1244 (Fed. Cir. May 12, 2016). Notice of Supplemental Authority (May 13, 2016). Nautilus responded to the notice of supplemental authority on May 16, 2016.

On May 20, 2016, Diebold filed an unopposed motion to withdraw its allegations and terminate the investigation with respect to several claims, including claims 1-5 and 13-19 of the ’163 patent. The ALJ granted the motion in an ID, which the Commission declined to review. Order No. 14 (May 24, 2016), *not reviewed* Notice (June 22, 2016). Diebold continues to assert claims 20-24 of the ’163 patent.

On June 28, 2016, the ALJ issued the subject ID granting Nautilus’s motion for summary determination that claims 20-24 of the ’163 patent are invalid under 35 U.S.C. § 101. The ALJ found that the claims were directed to an abstract idea that is neither innovative nor transformative.

On July 6, 2016, Diebold timely petitioned for review of the ID. On July 13, 2016, Nautilus timely opposed the petition.

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.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized and cursive.

Lisa R. Barton  
Secretary to the Commission

Issued: July 28, 2016