

**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-IN-PART A SUMMARY
DETERMINATION THAT CERTAIN ATM MODULES DO NOT INFRINGE
THE ASSERTED CLAIMS OF U.S. PATENT NO. 7,832,631**

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. 23) granting-in-part a summary determination that certain automated teller machine ("ATM") modules do not infringe the asserted claims of U.S. Patent No. 7,832,631.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2301. 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 (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://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 (“the ’631 patent”). *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). The Commission later terminated the investigation with respect to several claims of the ’163 patent. Order No. 14 (May 24, 2016), *not reviewed* Notice (June 22, 2016). The Commission also found the remaining claims of the ’163 patent invalid. Order No. 21, (June 28, 2016), *not reviewed* Notice (July 28, 2016).

On June 30, 2016, Nautilus moved for a summary determination that certain ATM modules do not infringe the asserted claims of the ’631 patent. On July 11, 2016, Diebold filed an opposition to the motion. On July 14, 2016, Nautilus filed a reply.

On August 23, 2016, the ALJ issued the subject ID (Order No. 23), stating that she granted-in-part Nautilus’s motion. Specifically, the ALJ found that Diebold has not accused the Nautilus ATM modules of infringing the ’631 patent and that Diebold does not dispute that the accused CSM5x and CSM3x modules have been imported. The ALJ found, however, that a genuine issue of material fact exists with respect to whether the accused CCIM and BCA modules with updated software have been imported. No party petitioned for review of the subject ID.

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: September 22, 2016