

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

In the Matter of

**CERTAIN RADIO FREQUENCY
IDENTIFICATION (“RFID”)
PRODUCTS AND COMPONENTS
THEREOF**

Investigation No. 337-TA-979

**NOTICE OF THE COMMISSION’S DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION TERMINATING CERTAIN RESPONDENTS**

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. 6) terminating TrafficCom IVHS Holding Corp., Kapsch TrafficCom IVHS Technologies Holding Corp., and Kapsch TrafficCom U.S. Corp. (collectively “the Merged Respondents”).

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2737. 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 January 11, 2016, based on a complaint filed on behalf of Neology, Inc., of Poway, California (“Complainant”). 81 *Fed. Reg.* 1205-06 (Jan. 11, 2016). The complaint alleges violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the sale for importation, importation, or sale within the United States after importation of certain radio frequency

identification (“RFID”) products and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 8,325,044; 8,587,436; and 7,119,664. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337. The Commission’s notice of investigation named numerous respondents including: Kapsch TrafficCom IVHS, Inc., of McLean, Virginia; Kapsch TrafficCom IVHS Holding Corp., of McLean, Virginia; Kapsch TrafficCom IVHS Technologies Holding Corp., of McLean, Virginia; Kapsch TrafficCom U.S. Corp., of McLean, Virginia; Kapsch TrafficCom Holding Corp., of McLean, Virginia; Kapsch TrafficCom Canada, Inc., of Mississauga, Canada; Star Systems International, Ltd., of Kwai Chung, Hong Kong; and STAR RFID Co., Ltd., of Bangkok, Thailand. A Commission investigative attorney (IA) is participating in the investigation.

On March 7, 2016, Complainant filed a motion to terminate the investigation with respect to the Merged Respondents based on withdrawal of the complaint. Neology and Respondents Kapsch TrafficCom IVHS, Inc., Kapsch TrafficCom IVHS Holding Corp., Kapsch TrafficCom IVHS Technologies Holding Corp., Kapsch TrafficCom U.S. Corp., Kapsch TrafficCom Holding Corp., and Kapsch TrafficCom Canada, Inc. (collectively, the “Kapsch Respondents”) have entered into a Joint Stipulation in which the Kapsch Respondents state, among other things, that the Merged Respondents no longer exist as separate corporate entities, Kapsch TrafficCom Holding Corp. is the successor-in-interest for the Merged Respondents for the purposes of this investigation, and Kapsch TrafficCom Holding Corp. agrees to be bound by any remedy the Commission would have issued as to the Merged Respondents in the event the Commission finds a violation of Section 337. In the motion, Complainant represents that there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the Investigation.

On March 11, 2016, the ALJ granted the motion in the subject ID where she noted that Complainant and the Kapsch Respondents have entered into a joint stipulation. The ALJ stated that she knows of no extraordinary circumstances to prevent withdrawal of the complaint as to the Merged Respondents. 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: April 4, 2016