

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN PUMPING BRAS

Investigation No. 337-TA-988

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION GRANTING COMPLAINANT’S CORRECTED MOTION
TO TERMINATE TWO PATENT CLAIMS FROM THE INVESTIGATION**

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) of the presiding administrative law judge (“ALJ”) granting complainant’s corrected motion to terminate claims 15 and 16 of U.S. Patent No. 8,323,070 (“the ’070 patent”) from the investigation.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2392. 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 <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 March 14, 2016, based on a complaint filed on behalf of Simple Wishes, LLC (“Simple Wishes”) of Sacramento, California. 81 *Fed. Reg.* 13419-20 (March 14, 2016). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by reason of infringement of certain claims of U.S. Patent No. 8,192,247 (“the ’247 patent”) and the ’070 patent. The complaint further alleges that a domestic industry exists. The Commission’s notice of investigation named Buywish, TANZKY, BabyPreg, and Deal Perfect, all of China, as respondents. Simple Wishes asserted the ’247 patent only against respondent Buywish. The Office of Unfair Import Investigations (OUII) is also a party to the investigation.

The Commission previously determined not to review an initial determination finding respondents TANZKY, BabyPreg, and Deal Perfect in default pursuant to 19 C.F.R. §§ 210.16 and 210.17. *See* Commission Notice (Jul. 8, 2016); Order No. 8. The Commission also previously determined not to review an initial determination terminating the investigation as to the last respondent, Buywish based on withdrawal of the complaint. *See* Commission Notice (Aug. 9, 2016); Order No. 9. As a result of the termination of the investigation as to Buywish, the '247 patent is no longer at issue in this investigation.

On August 30, 2016, Simple Wishes moved for summary determination that the defaulting respondents have violated section 337 and requested a general exclusion order. That motion is pending before the ALJ.

On September 13, 2016, Simple Wishes filed a corrected motion to terminate the investigation as to claims 15 and 16 of the '070 patent based on withdrawal of the claims. The motion stated that OUII did not oppose the motion. The ALJ granted the motion on September 20, 2016. Order No. 10. No party petitioned for review.

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', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: October 20, 2016