

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN AIR MATTRESS BED
SYSTEMS AND COMPONENTS
THEREOF**

Investigation No. 337-TA-999

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING AN UNOPPOSED MOTION TO
TERMINATE INVESTIGATION IN PART BASED ON WITHDRAWAL OF AN
ASSERTED PATENT CLAIM**

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. 5) granting an unopposed motion to terminate the investigation in part as to claim 22 of U.S. Patent No. 7,389,554.

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 (<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 May 23, 2016, based on a complaint filed by Select Comfort Corporation of Minneapolis, Minnesota and Select Comfort SC Corporation of Greenville, South Carolina (collectively, “Select Comfort”). 81 *Fed. Reg.* 32344 (May 23, 2016). 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 and the sale within the United States after importation of certain air mattress bed systems and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 6,804,848 and 7,389,554. *Id.* The notice of investigation names as respondents American National Manufacturing Inc. of Corona, California; Elements of Rest Inc. of Atlanta, Georgia; Responsive Surface Technology LLC of Atlanta, Georgia; and Dires LLC d/b/a Personal

Comfort Bed of Orlando, Florida. *Id.* at 32345. The Office of Unfair Import Investigations was not named as a party to the investigation. *Id.*

On August 19, 2016, Select Comfort filed an unopposed motion to terminate the investigation in part based on withdrawal of the complaint as to claim 22 of U.S. Patent No. 7,389,554.

On August 22, 2016, the presiding administrative law judge (“ALJ”) issued an ID (Order No. 5) granting the motion. The ALJ found that Select Comfort had complied with the requirements of Commission Rule 210.21(a)(1). No petitions for review of the ID 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.

A handwritten signature in black ink, appearing to read "Lisa R. Barton", written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: September 21, 2016