

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN AUDIO PLAYERS AND
COMPONENTS THEREOF (I)**

Investigation No. 337-TA-1329

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING IN PART
SUMMARY DETERMINATION OF IMPORTATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 28) issued by the presiding administrative law judge (“ALJ”) granting in part summary determination of importation.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 708-4716. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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 September 15, 2022, based on a complaint filed by Google LLC of Mountain View, California. 87 FR 56702-03 (Sept. 15, 2022). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), in the importation into the United States, sale for importation, or sale in the United States after importation of certain audio players and components thereof by reason of infringement of certain asserted claims of U.S. Patent Nos. 7,705,565 (“the ’565 patent”); 10,593,330; and 10,134,398. *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission’s notice of investigation names Sonos, Inc. of Santa Barbara, California as the respondent. *Id.* at 56703. The Office of Unfair Import Investigations was not named as a party to this investigation. *Id.*

On November 2, 2022, the Commission terminated the investigation with respect to the ’565 patent. Order No. 7 (Oct. 18, 2022), *unreviewed by Comm’n Notice* (Nov. 2, 2022).

On May 17, 2023, Google filed an omnibus motion for summary determination requesting, among other relief, a finding that the importation requirement of section 337 is satisfied as to the accused products. On May 30, 2023, Sonos filed a response opposing the motion in part.

On February 12, 2024, the ALJ issued the subject ID (Order No. 28) granting the motion in part. The ID notes that Google and Sonos stipulated that the importation requirement is satisfied with respect to certain accused products. *See* ID at 2-3. Accordingly, the ID finds that Google is entitled to summary determination of importation as those accused products identified in the parties' stipulation. *See id.* at 5-6. The ALJ, however, found that Google is not entitled to summary determination of importation with respect to other accused products and any other accused products that fall outside of the parties' stipulation. *See id.* at 7.

No party filed a petition for review of the subject ID.

The Commission has determined not to review the subject ID.

The Commission vote for this determination took place on March 6, 2024.

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 CFR Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized, flowing script.

Lisa R. Barton
Secretary to the Commission

Issued: March 6, 2024