

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

Investigation No. 337-TA-943

CERTAIN WIRELESS HEADSETS

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING A
MOTION TO TERMINATE THE INVESTIGATION AS TO RESPONDENTS
BEATS ELECTRONICS, LLC AND BEATS ELECTRONICS INTERNATIONAL LTD.
BASED ON WITHDRAWAL OF ALLEGATIONS**

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. 7) granting a motion to terminate the investigation as to respondents Beats Electronics, LLC and Beats Electronics International Ltd. based on withdrawal of allegations.

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 (<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 13, 2015, based on a complaint filed by One-E-Way, Inc. of Pasadena, California (“One-E-Way”). 80 Fed. Reg. 1663 (Jan. 13, 2015). 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, the sale for importation, and the sale within the United States after importation of certain wireless headsets by reason of infringement of certain claims of U.S. Patent No. 7,865,258 and U.S. Patent No. 8,131,391. *Id.* The notice of investigation names as respondents Sony Corporation of Tokyo, Japan; Sony Corporation of America of New York, New York; Sony Electronics, Inc. of San Diego, California; Sennheiser Electronic GmbH & Co. KG of

Wedemark, Germany; Sennheiser Electronic Corporation of Old Lyme, Connecticut; BlueAnt Wireless Pty, Ltd. of Richmond, Australia; BlueAnt Wireless, Inc. of Chicago, Illinois; Creative Technology Ltd. of Singapore; Creative Labs, Inc. of Milpitas, California; Beats Electronics, LLC of Culver City, California; Beats Electronics International Ltd. of Dublin, Ireland; Jawbone, Inc. of San Francisco, California; and GN Netcom A/S d/b/a Jabra of Ballerup, Denmark. *Id.* The Office of Unfair Import Investigations (OUII) also was named as a party to the investigation. *Id.*

On March 31, 2015, One-E-Way filed a motion seeking withdrawal of its allegations against Beats Electronics, LLC and Beats Electronics International Ltd. (collectively, “Beats”) and termination of this investigation with respect to Beats. On April 2, 2015, the OUII filed a response supporting the motion.

On April 7, 2015, the presiding administrative law judge (“ALJ”) issued an ID, Order No. 7, granting the motion. The ALJ found that the motion included a statement that, with the exception of a non-disclosure agreement to facilitate settlement discussions, One-E-Way and Beats have no agreements concerning the subject matter of this investigation. The ALJ also found no extraordinary circumstances that would prevent the termination of this investigation with respect to Beats and found that such termination is in the public interest because public and private resources will be conserved. 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.

A handwritten signature in black ink, appearing to read "Lisa R. Barton".

Lisa R. Barton
Secretary to the Commission

Issued: April 29, 2015