

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC

In the Matter of

**CERTAIN AUDIO PROCESSING
HARDWARE AND SOFTWARE AND
PRODUCTS CONTAINING SAME**

Inv. No. 337-TA-949

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW TWO INITIAL
DETERMINATIONS TERMINATING THE INVESTIGATION AS TO RESPONDENTS
LENOVO GROUP LTD. AND TOSHIBA AMERICA INC.**

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 two initial determinations (Order Nos. 4 and 5) granting unopposed motions to terminate the above-captioned investigation as to respondents Lenovo Group Ltd. and Toshiba America Inc.

FOR FURTHER INFORMATION CONTACT: Clark S. Cheney, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-2661. 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 March 18, 2015, based on a complaint filed by Andrea Electronics Corp. of Bohemia, New York ("Andrea"). 80 *Fed. Reg.* 14159-60 (March 18, 2015). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), in the importation, sale for importation, and sale after importation of audio processing articles that infringe five U.S. patents. The notice of investigation names numerous respondents, including Lenovo Group Ltd. of Beijing, China, and Toshiba America Inc. of New York, New York. The notice of investigation also names other Lenovo and Toshiba entities not at issue here.

On March 24, 2015, Andrea filed a motion to terminate the investigation with respect to Lenovo Group Ltd. The motion was based on a stipulation in which Lenovo Group Ltd. represented that it is a holding company with no substantive involvement in the acts alleged in the complaint. On April 1, 2015, Andrea filed a separate motion to terminate the investigation with respect to Toshiba America Inc. The motion was based on a stipulation in which Toshiba America Inc. stated that they did not make, sell, offer to sell, or import the products accused in the complaint. Based on the assurances in the two stipulations, Andrea agreed to withdraw the claims against Lenovo Group Ltd. and Toshiba America Inc. without prejudice. The Commission investigative attorney filed responses supporting each respective motion on March 26, 2015, and April 2, 2015. No other responses to the motions were filed.

On April 7, 2015, the presiding administrative law judge (“ALJ”) issued Order Nos. 4 and 5, granting the respective motions and issuing initial determinations (“IDs”) that the investigation should be terminated with respect to Lenovo Group Ltd. and Toshiba America Inc. The ALJ noted that Lenovo Group Ltd. had represented that it was a holding company that had no substantive involvement in the acts alleged in the complaint. The ALJ also noted that Toshiba America Inc. had stipulated that it does not make, sell, offer to sell, or import the accused products. The ALJ further noted that there were no other agreements between the parties concerning the subject matter of the investigation and no extraordinary circumstances would preclude granting the motions. The ALJ additionally observed that termination would be in the public interest as it would conserve public and private resources. No petitions for review of the IDs have been filed.

The Commission has determined not to review the subject IDs.

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: May 1, 2015