

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

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

Investigation No. 337-TA-949

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING ACER INC. AND ACER AMERICA CORP.
ON THE BASIS OF A SETTLEMENT AGREEMENT**

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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 24) terminating the investigation as to respondents Acer Inc. and Acer America Corp. (collectively, "Acer") on the basis of a settlement agreement and a patent and technology license agreement.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, 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 <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. ("Andrea") of Bohemia, New York. 80 *Fed. Reg.* 14,159 (Mar. 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 into the United States, the sale for importation, and the sale within the United States after importation of certain audio processing hardware and software and products containing same by reason of infringement

of certain claims of U.S. Patent Nos. 5,825,898; 6,483,923; 6,049,607; 6,363,345; and 6,377,637. The complaint further alleges that an industry in the United States exists as required by 19 U.S.C. § 1337(a)(2). The notice of investigation named 13 respondents including Acer. The Office of Unfair Import Investigations is a party in this investigation.

On November 20, 2015, Andrea and Acer filed a joint motion to terminate Acer from the investigation on the basis of a settlement agreement and a patent technology and license agreement. The motion included a confidential version and a public version of the settlement agreement and the patent technology and license agreement. The moving parties affirmed that there are no other agreements, written or oral, express or implied, between them concerning the subject matter of the investigation. None of the other parties opposed the motion.

On November 25, 2015, the ALJ granted the motion as an ID. The ALJ found no information indicating that termination of the investigation with respect to Acer on the basis of the settlement agreement is contrary to the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, or U.S. consumers. Order No. 24 at 3.

No petitions for review of the ID were filed. The Commission has determined not to review the 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.



Lisa R. Barton
Secretary to the Commission

Issued: December 21, 2015