

based on withdrawal of infringement allegations on July 12, 2011.

The presiding administrative law judge ("ALJ") issued the final initial determination ("ID") on violation in this investigation on December 20, 2011. He issued his recommended determination on remedy and bonding on the same day. The ALJ found that a violation of section 337 has occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain mobile devices, associated software, and components thereof containing same by reason of infringement of one or more of claims 1, 2, 5 and 6 of the '566 patent. Both Complainant and Respondent filed timely petitions for review of various portions of the final ID, as well as timely responses to the petitions.

The Commission determined to review various portions of the final ID and issued a Notice to that effect dated March 2, 2012. 77 FR 14043 (Mar. 8, 2012). In the Notice, the Commission also set a schedule for the filing of written submissions on the issues under review, including certain questions posed by the Commission, and on remedy, the public interest, and bonding. The parties have briefed, with initial and reply submissions, the issues under review and the issues of remedy, the public interest, and bonding. Public interest comments were also received from non-parties Association for Competitive Technology, Inc. and Google Inc.

On review, the Commission has determined as follows.

(1) To affirm with modifications the ALJ's determination that Microsoft met the economic prong of the domestic industry requirement with respect to all of the presently asserted patents in this investigation, *i.e.*, the '352 patent, the '762 patent, the '910 patent, the '376 patent, the '133 patent, the '054 patent, and the '566 patent;

(2) With respect to the ID's determination regarding the technical prong of the domestic industry requirement with respect to all of the presently asserted patents:

(a) To affirm with modifications the ALJ's determination that Microsoft failed to meet the technical prong of the domestic industry requirement with respect to the '054 patent;

(b) To affirm the ALJ's determination that Microsoft satisfied the technical prong of the domestic industry requirement with respect to the '566, '133, and '910 patents;

(c) To reverse the ALJ's determination that Microsoft failed to meet the technical prong of the domestic industry

requirement with respect to the '352 patent;

(d) To affirm the ALJ's determination that Microsoft failed to meet the technical prong of the domestic industry requirement with respect to the '762 and '376 patents;

(3) To affirm with modifications the ALJ's determination that the asserted claims of the '566 patent are not invalid due to anticipation or obviousness;

(4) To reverse the ALJ's determination that Microsoft failed to carry its burden of showing that Motorola's accused products infringe the asserted claims of the '352 patent and determine that, based on the record, Microsoft proved by a preponderance of the evidence that Motorola's accused products directly infringe the '352 patent;

(5) To affirm the ALJ's determination that Microsoft failed to prove by a preponderance of the evidence that Motorola induced infringement of each of the '054, '762, '376, '133, and '910 patents, and to affirm with modifications the ALJ's determination that Microsoft failed to prove by a preponderance of the evidence that Motorola induced infringement of each of the '566 and '352 patents.

The Commission has determined that the appropriate form of relief in this investigation is a limited exclusion order prohibiting the unlicensed entry for consumption of mobile devices, associated software and components thereof covered by claims 1, 2, 5, or 6 of the United States Patent No. 6,370,566 and that are manufactured abroad by or on behalf of, or imported by or on behalf of, Motorola. The order provides an exception for service, repair, or replacement articles for use in servicing, repairing, or replacing mobile devices under warranty or insurance contract.

The Commission has further determined that the public interest factors enumerated in section 337(d)(1) (19 U.S.C. 1337(d)(1)) do not preclude issuance of the limited exclusion order. Finally, the Commission determined that Motorola is required to post a bond set at a reasonable royalty rate in the amount of \$0.33 per device entered for consumption during the period of Presidential review. The Commission's order was delivered to the President and the United States Trade Representative on the day of its issuance.

The Commission has therefore terminated this investigation. 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 sections 210.41-42, 210.50 of the Commission's

Rules of Practice and Procedure (19 CFR 210.41-42, 210.50).

By order of the Commission.

Issued: May 18, 2012.

James R. Holbein,

Secretary to the Commission.

[FR Doc. 2012-14321 Filed 6-12-12; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-814]

Certain Automotive GPS Navigation Systems, Components Thereof, and Products Containing Same Determination Not To Review ALJ Order Nos. 8 And 9; Termination of the Investigation Based on a Withdrawal of the Complaint

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") Order No. 8 denying a motion for a show cause order and an initial determination ("ID") (Order No. 9) terminating the investigation based on complainant's withdrawal of the complaint.

FOR FURTHER INFORMATION CONTACT: Jean Jackson, *Esq.*, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-3104. 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 SW., Washington, DC 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 November 23, 2011, based on a complaint filed by Beacon Navigation GmbH of Zug, Switzerland ("Beacon"). 76 FR 72443 (Nov. 23, 2011). The complaint alleged 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 automotive GPS navigation systems, components thereof, and products containing the same by reason of infringement of certain claims of United States Patent Nos. 6,374,180; 6,178,380; 6,029,111; and 5,862,511.

The notice of investigation named as respondents Audi AG of Ingolstadt, Germany; Audi of America, Inc. of Auburn Hills, Michigan; Audi of America, LLC of Herndon, Virginia; Bayerische Motoren Werke AG of Munich, Germany; BMW of North America, LLC of Woodcliff Lake, New Jersey; BMW Manufacturing Co., LLC of Greer, South Carolina; Chrysler Group LLC of Auburn Hills, Michigan; Ford Motor Company of Dearborn, Michigan; General Motors Company of Detroit, Michigan; Honda Motor Co., Ltd. Of Tokyo, Japan; Honda North America, Inc. an American Honda Motor Co., Inc., both of Torrance, California; Honda Manufacturing of Alabama, LLC of Lincoln, Alabama; Honda Manufacturing of Indiana, LLC of Greensburg, Indiana; Honda of America Manufacturing, Inc. of Marysville, Ohio; Hyundai Motor Company of Seoul, South Korea; Hyundai Motor America of Fountain Valley, California; Hyundai Motor Manufacturing Alabama, LLC of Montgomery, Alabama; Kia Motors Corp. of Seoul, South Korea; Kia Motors America, Inc. of Irvine, California; Kia Motors Manufacturing Georgia, Inc. of West Point, Georgia; Mazda Motor Corporation of Hiroshima, Japan; Mazda Motor of America, Inc. of Irvine, California; Daimler AG of Stuttgart, Germany; Mercedes-Benz USA, LLC of Montvale, New Jersey; Mercedes-Benz U.S. International, Inc. of Vance, Alabama; Nissan Motor Co., Ltd. of Yokohama-shi, Japan; Nissan North America, Inc. of Franklin, Tennessee; Dr. Ing. H.c. F. Porsche AG of Stuttgart, Germany; Porsche Cars North America, Inc. of Atlanta, Georgia; Saab Automobile AB of Trollhattan, Sweden; Saab Cars North America, Inc. of Royal Oak, Michigan; Suzuki Motor Corporation of Hamamatsu City, Japan; American Suzuki Motor Corporation of Brea, California; Jaguar Land Rover North America, LLC of Mahwah, New Jersey; Jaguar Cars Limited of Coventry, United Kingdom; Land Rover of Warwickshire, United Kingdom; Toyota Motor Corporation of Toyota City, Japan; Toyota Motor North America, Inc. of Torrance, California; Toyota Motor Engineering & Manufacturing

North America, Inc. of Erlanger, Kentucky; Toyota Motor Manufacturing, Indiana, Inc. of Princeton, Indiana; Toyota Motor Manufacturing, Kentucky, Inc. of Georgetown, Kentucky; Toyota Motor Manufacturing Mississippi, Inc. of Blue Springs, Mississippi; Volkswagen AG of Wolfsburg, Germany; Volkswagen Group of America, Inc. and Volkswagen Group of America Chattanooga Operations, LLC, both of Herndon, Virginia; Volvo Car Corporation of Goteborg, Sweden; and Volvo Cars of North America, LLC of Rockleigh, New Jersey.

On February 29, 2012, the Commission determined not to review an ID amending the complaint and notice of investigation to terminate General Motors Company from the investigation and replace it with General Motors LLC of Detroit, Michigan. 77 FR 13350 (Mar. 6, 2012).

Complainant filed a motion to withdraw its complaint on April 13, 2012. On April 20, 2012, the respondents stated that they did not oppose the motion to terminate, but requested that the motion not be granted until it was determined if Beacon violated Commission Rules 210.12(a)(9)(iii) and/or 210.4(c) concerning the veracity of licensing information in its complaint. On the same day, respondents filed a motion requesting that the ALJ sua sponte issue a show cause order directing Beacon and its counsel to (1) identify all licensees that Beacon and its counsel are currently aware of and knew of at the time the Complaint was filed, (2) provide details of Beacon's pre-filing investigation, and (3) show cause why Beacon did not violate Commission Rule 210.4(c) by identifying only MiTAC International Inc. ("MiTAC") as a licensed entity.

On May 8, 2012, the ALJ issued an ID (Order No. 8) denying the motion for a sua sponte show cause order, as well as two other motions to recover from complainant costs incurred in preparing for cancelled depositions. On the same day, the ALJ issued Order No. 9, an ID granting complainant's motion to terminate the investigation based on a withdrawal of the complaint.

On May 15, 2012, several respondents filed a joint petition for review of both orders, arguing that there is a split in Commission precedent concerning the application of the safe harbor provision, which is at issue in Order 8. They petitioned for review of Order 9 to enable the Commission to grant the relief sought with respect to Order No. 8. Petitioners do not oppose termination of the investigation on any other ground. On May 22, 2012, the

Commission investigative attorney and the complainant each filed a response in opposition to the petition.

Upon consideration of the petition and the responses thereto, the Commission has determined not to review either ALJ Order. The Commission does not agree that there is a split in Commission precedent regarding application of the safe harbor provision of 19 CFR 210.4(d)(1). The Commission investigations cited by petitioners each represent the exercise of discretion by the presiding ALJ in determining whether to issue a show cause order. See *Certain Point of Sale Terminals and Components Thereof*, Inv. No. 337-TA-524, Order No. 40 (April 11, 2005); *Certain Weather Stations and Components Thereof*, Inv. No. 337-TA-537, Order No. 8 (Oct. 12, 2005); and *Certain Insulin Delivery Devices*, Inv. No. 337-TA-572, Order No. 5 (Jan. 29, 2007).

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 sections 210.21 and 210.42(h) of the Commission's Rules of Practice and Procedure (19 CFR 210.21, 210.42).

By order of the Commission.

Issued: June 7, 2012.

Lisa R. Barton,

Acting Secretary to the Commission.

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INTERNATIONAL TRADE COMMISSION

[USITC SE-12-016]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

DATES: Time and Date: June 20, 2012 at 9:15 a.m.

PLACE: Room 100, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205-2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
 2. Minutes.
 3. Ratification List.
 4. Vote in Inv. Nos. 731-TA-865-867 (Second Review)(Stainless Steel Butt-Weld Fittings from Italy, Malaysia, and the Philippines). The Commission is currently scheduled to transmit its determinations and Commissioners' opinions to the Secretary of Commerce on or before June 29, 2012.
 5. Outstanding action jackets: None.
- In accordance with Commission policy, subject matter listed above, not