

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C. 20436**

**In the Matter of**

**CERTAIN NOISE CANCELLING HEADPHONES**

**Investigation No. 337-TA-626**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW  
AN INITIAL DETERMINATION TERMINATING RESPONDENT GN NETCOM, INC.,  
ON THE BASIS OF A CONSENT ORDER AND CONSENT ORDER STIPULATION;  
ISSUANCE OF CONSENT ORDER**

**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") of the presiding administrative law judge ("ALJ") in the above-captioned investigation terminating the investigation with respect to respondent GN Netcom, Inc., on the basis of a consent order stipulation and consent order.

**FOR FURTHER INFORMATION CONTACT:** Michael K. Haldenstein, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3041. 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 December 26, 2007, based on a complaint filed by Bose Corporation of Framingham, Massachusetts ("Bose"). 73 Fed. Reg. 882 (January 4, 2008). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930 (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 noise cancelling headphones by reason of infringement of certain claims of United States Patent Nos. 5,181,252 and 6,597,792. The complaint named as respondents

Phitek Systems Limited of New Zealand; Phitek Systems Limited of San Jose, California; GN Netcom, Inc. (“GN”) of Nashua, New Hampshire; Audio Technica U.S., Inc. of Stow, Ohio; Creative Labs, Inc. of Milpitas, California; Logitech Inc. of Fremont, California; and Panasonic Corporation of North America of Secaucus, New Jersey.

On July 1, 2008, Bose and GN filed a joint motion seeking termination of the investigation with respect to GN based upon a consent order and consent order stipulation. The Commission investigative attorney supported the motion in a response dated July 11, 2008. No other party responded to the motion.

On July 29, 2008, the ALJ issued the subject ID (Order No. 13) terminating the investigation as to GN pursuant to Commission rule 210.21. No petitions for review of the ID were filed and the Commission has determined not to review the ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, and Commission rules 210.21 and 210.42, 19 C.F.R. §§ 210.21, 210.42.

By order of the Commission.

/s/

Marilyn R. Abbott  
Secretary to the Commission

Issued: August 27, 2008