

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

In the Matter of

**CERTAIN VIDEO GAME MACHINES
AND RELATED THREE-
DIMENSIONAL
POINTING DEVICES**

Inv. No. 337-TA-658

**NOTICE OF COMMISSION DETERMINATION GRANTING A REQUEST
BY THE ADMINISTRATIVE LAW JUDGE FOR JUDICIAL ENFORCEMENT
OF A SUBPOENA**

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. 19) of the presiding administrative law judge (ALJ) requesting judicial enforcement of a subpoena in the above-captioned investigation. The Commission has determined to authorize its Office of the General Counsel to seek judicial enforcement of the subpoena as indicated in ALJ Order No. 19.

FOR FURTHER INFORMATION: Daniel E. Valencia, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-1999. Copies of Order No. 19 and all other nonconfidential 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. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. 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>.

SUPPLEMENTARY INFORMATION: On September 23, 2008, the Commission instituted this investigation, based on a complaint filed by Hillcrest Laboratories, Inc. of Rockville, Maryland (“Hillcrest”), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain video game machines and related three-dimensional pointing devices by reason of infringement of certain claims of U.S. Patent Nos. 7,139,983; 7,158,118; 7,262,760; and 7,414,611. 73 *Fed. Reg.* 54854 (September 23, 2008). The complaint named Nintendo Co., Ltd. of Japan and Nintendo of America, Inc. of Redmond, WA (collectively, “Nintendo”) as respondents.

On March 13, 2009, Nintendo moved for judicial enforcement of a subpoena duces tecum and ad testificandum (the “subpoena”) issued on January 12, 2009 directed to non-party James D. Richards III (“Richards”). The ALJ granted Nintendo’s motion on March 23, 2009, and certified his request for judicial enforcement of the subpoena in the subject ID. No petitions for review of the subject ID were received from the parties. The Commission has determined to grant the ALJ’s request and has determined not review the subject ID. In addition, the Commission has determined to authorize its Office of the General Counsel to seek judicial enforcement of the subpoena against Richards, as requested by the ALJ.

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 Commission Rule of Practice and Procedure 210.32(g), 19 C.F.R. § 210.32(g).

By order of the Commission.

/s/

Marilyn R. Abbott
Secretary to the Commission

Issued: April 9, 2009