

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

In the Matter of

**CERTAIN PROTECTIVE CASES AND
COMPONENTS THEREOF**

Inv. No. 337-TA-780

NOTICE OF INSTITUTION OF INVESTIGATION

Institution of investigation pursuant to 19 U.S.C. § 1337

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 25, 2011, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Otter Products, LLC of Fort Collins, Colorado. A supplement was filed on June 16, 2011. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain protective cases and components thereof by reason of infringement of certain claims of U.S. Patent No. 7,933,122 (“the ‘122 patent”); U.S. Patent No. D600,908 (“the ‘908 patent”); U.S. Patent No. D617,784 (“the ‘784 patent”); U.S. Patent No. D615,536 (“the ‘536 patent”); U.S. Patent No. D617,785 (“the ‘785 patent”); U.S. Patent No. D634,741 (“the ‘741 patent”); U.S. Patent No. D636,386 (“the ‘386 patent”); and U.S. Trademark Registration No. 3,788,534 (“the ‘534 trademark”); U.S. Trademark Registration No. 3,788,535 (“the ‘535 trademark”); U.S. Trademark Registration No. 3,623,789 (“the ‘789 trademark”); and U.S. Trademark Registration No. 3,795,187 (“the ‘187 trademark”). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (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>.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2011).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on June 24, 2011, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsections (a)(1)(B) and (C) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain protective cases and components thereof that infringe the '908 patent; the '784 patent; the '536 patent; the '785 patent; the '741 patent; the '386 patent; one or more of claims 1, 5-7, 13, 15, 17, 19-21, 23, 25, 27, 28, 30-32, 37, 38, 42, and 44 of the '122 patent; the '534 trademark; the '535 trademark; the '789 trademark; and the '187 trademark, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Otter Products, LLC
1 Old Town Square, Suite 303
Fort Collins, CO 80524

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

A.G. Findings and Mfg. Co., Inc.
d/b/a Ballistic
1133 Sawgrass Corp. Parkway
Sunrise, FL 33323

AFC Trident Inc.
14270 Albers Way
Chino, CA 91710

Alibaba.com Hong Kong Ltd.
699 Wang Shang Road
Binjiang District
Hangzhou 310052
China

Anbess Electronics Co. Ltd.
1F, Block B, Building 4
Cui Feng Hao Yuan
ShuiJing, BuJi, LongGang
Shenzhen, GD, 518112
China

Cellairis Franchise, Inc.
6485 Shiloh Road, Suite B100
Alpharette, GA 30005

Cellet Products
14530 Anson Avenue
Santa Fe Springs, CA 90670

DHgate.com
6F Dimeng Commercial Building No. 3-2
Hua Yuan Road, Haidian District
Beijing, China 100191

Griffin Technology, Inc.
1930 Air Lane Drive
Nashville, TN 37210

Guangzhou Evotech Industry Co., Ltd.
No. 28 E-05, Baoli Center Square
Jiansheda Ma Road, Guangzhou
Guangdong, China (Mainland) 510000

Hardcandy Cases LLC
d/b/a GUMDROP LLC
2730 Gateway Oaks Drive 100
Sacramento, CA 95833

Hoffco Brands, Inc.
d/b/a Celltronix
4860 Ward Road
Wheat Ridge, CO 80033

Hong Kong Better Technology Group Ltd.
10A, Hongling Building, Hongling South Road
Futian District, Shenzhen, China 518000

Hong Kong HJJ Co. Ltd.
Room 4, Block 2 West, SEG Technology Park
HuaQiang North Road
Futian District, Shenzhen, China 518028

Hypercel Corporation
d/b/a Naztech Technologies
28010 Industry Drive
Valencia, CA 91355

InMotion Entertainment
4801 Executive Park Court
Suite 100
Jacksonville, FL 32216

MegaWatts Computers, LLC
3501 South Sheridan Road
Tulsa, OK 74145

National Cellular
5620 1st Avenue, Third Floor
Brooklyn, NY 11220

OEMBargain.com
P.O. Box 7132
Wantagh, NY 11793

One Step Up Ltd.
d/b/a Lifeworks Technology Group LLC
1412 Broadway 3rd Floor
New York, NY 10018

Papaya Holdings Ltd.
8/F, CNT Commercial Bldg.
302 Queen's Road
Central, Hong Kong

Quanyun Electronics Co., Ltd.
Floor 1, Workshop No. 1
Weihua Industrial Areas
Tongsheng Community, Dalang Street
Baoan District
Shenzhen, China (Mainland) 518000

ShenZhen Star & Way Trade Co., Ltd.
d/b/a DHgate sellers Best8168 and Julyoung
Guangzhou Chaoshanglong Company
Room 901, No. 43-3 Siheng Street
Shuiyin Road, Tianhe District
Guangzhou City, China 510000

Sinatech Industrial Co., Ltd.
Room 3005, #570, FangCun, LiWan District
GuangZhou City, China

SmileCase
3226 Ridgeway Place
Windsor Mill, MD 21244

Suntel Global Investment Ltd.
2F-D5, Jian Fa Square, 111#, Ji Chang Road
Baiyun District, Guangzhou, China

TheCaseInPoint.com
793 Marian Court
Titusville, FL 32780

TheCaseSpace
215 East Foothills Parkway #D-003
Fort Collins, CO 80525

Topter Technology Co. Ltd.
2nd floor, Building B
Jinkajin Industrial Zone
Minying Industrial park
Shuitian Village, Shiyan Town
Shenzhen Guangdong, China

Trait Technology (Shenzhen) Co., Ltd.
416 – 419RM, 305# Sufa Building
Huafa North Road, Futian District
Shenzhen, China

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(d)-(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

/s/
James R. Holbein
Secretary to the Commission

Issued: June 24, 2011