

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 FINDING THAT ACCUSED PRODUCTS
HAVE BEEN SOLD FOR IMPORTATION BY PHITEK SYSTEMS LIMITED**

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 finding that accused products have been sold for importation by Phitek Systems Limited of New Zealand.

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 (“Phitek”) of New Zealand; Phitek Systems Limited of San Jose, California; GN Netcom, Inc. 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 June 30, 2008, Bose filed a motion for summary determination of importation of the accused products by Phitek. In its response, Phitek conceded that it sold certain accused products to respondents for importation. The Commission investigative attorney supported the motion. No other party responded to the motion.

On October 21, 2008, the ALJ granted Bose's motion and found that, based on Phitek's admission of the sale of certain accused products for importation into the United States, the sale for importation requirement of section 337(a)(1)(B) had been satisfied. 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 rule 210.42, 19 C.F.R. § 210.42.

By order of the Commission.

/s/

Marilyn R. Abbott
Secretary to the Commission

Issued: November 10, 2008