

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

**In the Matter of**

**CERTAIN VIDEO GAME SYSTEMS  
AND WIRELESS CONTROLLERS AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-770**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING COMPLAINANT'S UNOPPOSED MOTION FOR  
PARTIAL TERMINATION OF THE INVESTIGATION**

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. 36) of the presiding administrative law judge ("ALJ") granting a motion by Complainant to partially terminate the investigation for the 3DS Product, and certain claims of various asserted patents.

FOR FURTHER INFORMATION CONTACT: Amanda S. Pitcher, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2737. 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 April 27, 2011, based on a complaint filed by Creative Kingdoms, LLC of Wakefield, Rhode Island and New Kingdoms, LLC of Nehalem, Oregon (collectively "CK"). 76 *Fed. Reg.* 23624 (Apr. 27, 2011). The complaint alleged violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by reason of infringement of certain claims of U.S. Patent No. 7,500,917 ("the '917 patent"); U.S. Patent No. 6,761,637 ("the '637 patent"); U.S. Patent No. 7,850,527 ("the '527 patent"); and U.S. Patent No. 7,896,742. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337. The notice of investigation names Nintendo Co., Ltd. of Kyoto, Japan; and Nintendo of America, Inc. of Redmond, Washington as respondents.

On January 27, 2012, the ALJ issued an ID (Order No. 36) granting CK's motion to terminate the investigation in part. The ALJ terminated the investigation as to all asserted claims for the '637 patent, claims 1-6 of the '917 patent, claims 1-12, 17-19, 22-24, 27, 37-41, 45-48 and 50 of the '527 patent, and all infringement allegations against the Nintendo 3DS product. The ALJ determined that there were no extraordinary circumstances that would prevent the termination requested by CK. Order No. 36 at 2. The ALJ therefore concluded that good cause had been shown. *Id.* None of the parties petitioned for review of the ID. The Commission has determined not to review the ID.

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 section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

A handwritten signature in black ink, appearing to read "J R Holbein". The signature is written in a cursive style with a large initial "J" and "R".

James R. Holbein  
Secretary to the Commission

Issued: February 17, 2012