

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MOTION-SENSITIVE SOUND
EFFECT DEVICES AND IMAGE
DISPLAY DEVICES AND
COMPONENTS AND PRODUCTS
CONTAINING SAME**

Inv. No. 337-TA-773

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO RESPONDENT
3M COMPANY BASED ON SETTLEMENT**

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. 53) granting a motion to terminate the above-captioned investigation as to respondent 3M Company of St. Paul, Minnesota (“3M”) based on a settlement agreement pursuant to Commission Rule 210.21(b) (19 C.F.R. § 210.21(b)).

FOR FURTHER INFORMATION: Clark S. Cheney, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-2661. 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 (<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 May 19, 2011, based on a complaint filed by Ogma, LLC (“Ogma”). 76 *Fed. Reg.* 29006 (May 19, 2011). The complaint alleges 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 motion-sensitive sound effects devices and image display devices and components and products containing same by reason of infringement of

certain claims of U.S. Patent Nos. 5,825,427 (“the ’427 patent”) and 6,150,947 (“the ’947 patent”).

The Commission instituted Inv. No. 337-TA-787 on July 18, 2011, based on another complaint filed by Ogma. 76 *Fed. Reg.* 42136 (July 18, 2011). The complaint in the latter investigation alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) by reason of infringement of the same patents asserted in the earlier 773 investigation, namely the ’427 patent and the ’947 patent. The complaint in the 787 investigation named numerous respondents, including 3M Company of St. Paul, Minnesota (“3M”).

On July 19, 2011, the ALJ issued an order (Inv. No. 337-TA-787, Order No. 1) consolidating the 787 investigation with 773 investigation. The consolidated investigation proceeds under the caption of the 773 investigation.

On October 14, 2011, Ogma and 3M filed a joint motion to terminate the investigation as to 3M based on a settlement agreement. On November 17, 2011, the ALJ issued the subject ID (Inv. No. 337-TA-773, Order No. 53) granting the motion to terminate the investigation as to 3M. No petitions for review of the ID were filed.

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(h)(3) of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.42(h)(3)).

By order of the Commission.

/s/
James R. Holbein
Secretary to the Commission

Issued: December 8, 2011