

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

In the Matter of

**CERTAIN MOTION-SENSITIVE SOUND  
EFFECTS 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  
RESPONDENTS NINTENDO CO., LTD. AND NINTENDO OF AMERICA, INC.  
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. 57) granting a motion to terminate the above-captioned investigation as to respondents Nintendo Co., Ltd. of Kyoto, Japan and Nintendo of America, Inc. of Redmond, Washington (collectively, “Nintendo”) 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 of Longview, Texas (“Ogma”). 76 *Fed. Reg.* 29006 (May 19, 2011). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, (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 and 6,150,947. The complaint names numerous respondents, including Nintendo.

On November 22, 2011, Ogma and Nintendo filed a joint motion to terminate the investigation as to Nintendo based on a settlement agreement. On November 28, 2011, the Commission investigative attorney filed a response supporting the motion to terminate Nintendo.

On December 1, 2011, the ALJ issued the subject ID (Order No. 57) granting the motion to terminate the investigation as to Nintendo. 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: January 3, 2012