

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN PROTECTIVE CASES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-780

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANT'S MOTION TO TERMINATE THE
INVESTIGATION AS TO RESPONDENTS HONG KONG BETTER TECHNOLOGY
GROUP LTD. AND OEMBARGAIN.COM UNDER COMMISSION RULE 210.21(a)(1)**

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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 23) granting Complainant's motion to terminate Respondents Hong Kong Better Technology Group Ltd. of Shenzhen, China ("HKBT") and OEMBargain.com of Wantagh, New York ("OEMBargain") from the investigation for good cause under Commission Rule 210.21(a)(1).

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3042. 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 June 30, 2011, based on a complaint filed by Otter Products, LLC of Fort Collins, Colorado ("Otter"). 76 *Fed. Reg.* 38417 (June 30, 2011). The complaint 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 protective cases and components thereof by reason of infringement of various claims of United States Patent Nos. 7,933,122; D600,908; D617,784; D615,536; D617,785; D634,741; and D636,386; and United States Trademark Registration Nos. 3,788,534; 3,788,535; 3,623,789; and 3,795,187. The complaint named several respondents, including HKBT and OEMBargain.

On December 12, 2011, Otter filed a motion to terminate the investigation as to HKBT and OEMBargain without prejudice under Commission Rule 210.21(a)(1) for good cause. On December 23, 2011, the Commission Investigative Attorney filed a response in support of the motion. No other responses to the motion were filed.

On December 30, 2011, the ALJ issued the subject ID granting Otter's motion. The ALJ noted that Commission Rule 210.21(a)(1) provides, in pertinent part that "[a]ny party may move at any time prior to the issuance of an initial determination on violation of section 337 of the Tariff Act of 1930 for an order to terminate an investigation in whole or in part as to any or all respondents for good cause" 19 C.F.R. § 210.21(a)(1). The ALJ found that good cause existed to grant the motion, and noted that he knew of no extraordinary circumstances that would preclude granting Otter's motion. None of the parties petitioned for review of the ID.

The Commission has determined not to review the ID. Accordingly, this investigation is terminated with respect to HKBT and OEMBargain.

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.

James R. Holbein
Secretary to the Commission

Issued: January 24, 2012