

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN LOCATION-SHARING
SYSTEMS, RELATED SOFTWARE,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING SAME

Inv. No. 337-TA-1347

ORDER NO. 16: INITIAL DETERMINATION GRANTING COMPLAINANTS' UNOPPOSED MOTION FOR PARTIAL TERMINATION OF THE INVESTIGATION AS TO CERTAIN ASSERTED PATENT CLAIMS

(May 17, 2023)

On May 15, 2023, Complainants AGIS Software Development LLC and Advanced Ground Information Systems, Inc. (collectively, "Complainants") moved (1347-006) for partial termination of the investigation with respect to asserted claims 2 of U.S. Patent No. 8,213,970 ("the '970 patent"); 1, 2, 7, 8, 23, 25, 29, 30, and 35 of U.S. Patent No. 9,445,251 ("the '251 patent"); 3, 5, 6, 7, 8, 10, 16, 19, 38, 40, 55, 56, 61, 62, 63, 64, 68, 71, 72, 80 and 84 of U.S. Patent No. 9,467,838 ("the '838 patent"); 1, 8, 34, and 41 of U.S. Patent No. 9,749,829 ("the '829 patent"); and 14 of U.S. Patent No. 9,820,123 ("the '123 patent") as to all Respondents based on withdrawal of those claims. The motion states that Respondents and Staff do not oppose the motion. Mot. at 2.

Complainants explain that "[b]y withdrawing these claims from the Investigation, AGIS is serving the public interest by streamlining the Investigation and saving the Commission's, the ALJ's, and the parties' resources." *Id.* at 3.

Commission Rule 210.21(a) provides, in relevant part:

Any 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 to terminate an investigation in whole or in part as to any or all respondents, on the basis of withdrawal of the

complaint or certain allegations contained therein A motion for termination of an investigation based on withdrawal of the complaint shall contain a statement that there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation, or if there are any agreements concerning the subject matter of the investigation, all such agreements shall be identified, and if written, a copy shall be filed with the Commission along with the motion. . . . The presiding administrative law judge may grant the motion in an initial determination upon such terms and conditions as he deems proper.

19 C.F.R. § 210.21(a). The Commission has further stated that “in the absence of extraordinary circumstances, termination of the investigation will be granted to a complainant during the prehearing stage of an investigation.” *Certain Ultrafiltration Sys. and Components Thereof, Including Ultrafiltration Membranes*, Inv. No. 337-TA-107, Comm’n Action and Order at 2 (Mar. 11, 1982).

Having reviewed the pleadings and arguments therein, I find that no extraordinary circumstances exist that would prevent the requested partial termination of this Investigation. I also find that Complainants have complied with the requirements of Commission Rule 210.21(a). See Mot. at 3 (“AGIS states that, other than the stipulations between the parties filed on EDIS in this Investigation, there are no agreements, written or oral, express or implied, between the parties concerning the subject matter of this Investigation (*e.g.*, no settlement, licensing, or other such agreement).”)

Accordingly, it is my initial determination that Complainants’ unopposed motion (1347-006) for partial termination of the Investigation as to asserted claims 2 of U.S. Patent No. 8,213,970 (“the ’970 patent”); 1, 2, 7, 8, 23, 25, 29, 30, and 35 of U.S. Patent No. 9,445,251 (“the ’251 patent”); 3, 5, 6, 7, 8, 10, 16, 19, 38, 40, 55, 56, 61, 62, 63, 64, 68, 71, 72, 80 and 84 of U.S. Patent No. 9,467,838 (“the ’838 patent”); 1, 8, 34, and 41 of U.S. Patent No. 9,749,829 (“the ’829 patent”); and 14 of U.S. Patent No. 9,820,123 (“the ’123 patent”) as to all Respondents be granted.

This initial determination is hereby certified to the Commission.

Pursuant to 19 C.F.R. § 210.42(h), this Initial Determination shall be the determination of the Commission unless a party files a petition for review of the Initial Determination pursuant to 19 C.F.R. § 210.43(a), or the Commission, pursuant to 19 C.F.R. § 210.44, orders, on its own motion, a review of the Initial Determination or certain issues herein.

SO ORDERED.



Bryan F. Moore

Administrative Law Judge