

PUBLIC VERSION

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. 25: INITIAL DETERMINATION GRANTING JOINT MOTION TO
TERMINATE XIAOMI ON THE BASIS OF A SETTLEMENT
AGREEMENT AND TO LIMIT SERVICE**

(June 20, 2023)

On June 15, 2023, Complainants AGIS Software Development LLC and Advanced Ground Information Systems, Inc. (collectively, “AGIS”) and Respondents Xiaomi Corporation, Xiaomi H.K. Ltd., Xiaomi Communications Co., Ltd., and Xiaomi Inc. (“Xiaomi”) jointly moved (1347-015) for termination of the investigation as to Xiaomi based on a settlement agreement attached to the motion. The motion states that the other Respondents “did not provide a position at the time of the filing of this Motion. Staff indicated that it will respond to this Motion as filed.” Mot. at 2. On June 16, 2023, Staff filed a brief supporting AGIS’s and Xiaomi’s motion.¹

The Commission’s Rules provide that “[a]ny party may move at any time for an order to terminate an investigation in whole or in part as to any or all respondents on the basis of settlement, a licensing or other agreement” 19 C.F.R. § 210.21(a)(2); *see also Certain Child Carriers & Components Thereof*, Inv. No. 337-TA-1154, Order No. 11 at 1-2 (May 23, 2019). The joint motion as to Xiaomi is based on a settlement agreement, which completely resolves the dispute as

¹ Motions to terminate as to the other Respondents were filed before the time for them to respond. *See* Motions 1347-014, 1347-016. And no other Respondent has indicated it will be filing a response.

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to AGIS and Xiaomi. Mot. at 2. Further, as required by Commission Rule 210.21(b)(1), AGIS and Xiaomi state that there are no other agreements, written or oral, express or implied, between AGIS and Xiaomi concerning the subject matter of this Investigation. Mot. at 2.

Commission Rule 210.21(b) further requires that a copy of any settlement agreement serving as the basis of a requested termination be filed with the motion for termination. 19 C.F.R. § 210.21(b)(1). If the agreement contains confidential business information within the meaning of Commission Rule 201.6(a), a public version of the agreement with such confidential business information redacted must also be attached to the motion. *Id.* AGIS and Xiaomi provided both confidential and redacted public copies of the relevant settlement agreement as required by the Commission Rules. The confidential version of the settlement agreement is attached hereto as Exhibit A and the public version is attached as Exhibit B.

Having reviewed the public version of the settlement agreement, I find that it complies with Commission Rule 210.21(b)(1) as it contains redactions only for information that qualifies as confidential business information under Commission Rule 201.6(a). *See* 19 C.F.R. § 210.21(b)(1) and 201.6(a).

In any initial determination terminating an investigation by settlement agreement or consent order, the administrative law judge is directed to consider and make appropriate findings regarding the effect of the proposed settlement on the public health and welfare, competitive conditions in the United States economy, production of like or directly competitive articles in the United States, and United States consumers. 19 C.F.R. § 210.50(b)(2). AGIS and Xiaomi explain that “granting this Motion to Terminate will not adversely affect the public health and welfare, competitive conditions in the United States economy, production of like or directly competitive articles in the United States, or U.S. consumers.” Mot. at 3. AGIS and Xiaomi further explain that

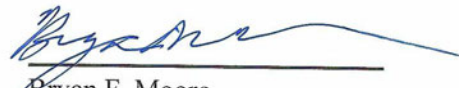
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granting this motion is in the public interest: “Commission policy and the public interest generally favor termination by settlement, which conserves resources for both the Commission and the private parties, and termination based on a settlement is routinely granted.” Mot. at 3–4 (citing cases). Staff “is likewise of the view that the public interest favors settlement to avoid needless litigation and to conserve public resources.” Staff Resp. at 4.

Accordingly, it is my initial determination that the motion to terminate the Investigation as to Xiaomi (Motion 1347-015) be GRANTED. AGIS and Xiaomi also request that service of the unredacted version of the settlement agreement be limited to the ALJ and Staff, asserting that good cause exists because this advances the Commission’s policies of protecting competitive information and promoting settlement. Mot. at 2–3. No party opposed this request, and therefore it is granted. This initial determination, along with supporting documentation, 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