

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.**

**In the Matter of**

**CERTAIN VIDEO GAME SYSTEMS AND  
CONTROLLERS**

**Investigation No. 337-TA-743**

**ORDER**

The Commission instituted this investigation on November 5, 2010, based on a complaint filed by Motiva, LLC of Dublin, Ohio (“Motiva”). *75 Fed. Reg.* 68379 (Nov. 5, 2010). 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 video game systems and controllers by reason of infringement of two United States Patents. The complaint named Nintendo Co., Ltd. and Nintendo of America Inc. (collectively, “Nintendo”) as the only respondents.

On January 6, 2011, Nintendo filed a motion for summary determination that the economic prong of the domestic industry is not satisfied. On February 11, 2011, the presiding ALJ issued the subject ID granting Nintendo’s motion for summary determination and terminating the investigation. On March 1, 2011, Motiva and the Commission investigative attorney each filed a petition for review of the ALJ’s summary ID. On March 8, 2011, Nintendo opposed both petitions for review.

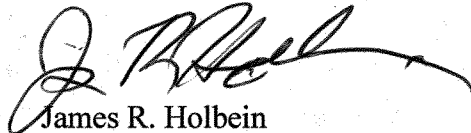
Having reviewed the summary ID and the submissions by the parties, the Commission has determined to grant the petitions for review and vacate the grant of summary determination in the subject ID with respect to the economic prong of the domestic industry requirement. The

Commission has determined to remand the investigation to the ALJ for further proceedings.

Accordingly, the Commission hereby **ORDERS** that:

1. Motiva's petition for review is GRANTED.
2. The Commission investigative attorney's petition for review is GRANTED.
3. The summary ID is VACATED.
4. The investigation is remanded to the ALJ to conduct proceedings consistent with a Commission's opinion, which will issue shortly.
5. The Secretary shall serve copies of this Order upon each party of record in this investigation.

By order of the Commission.

  
James R. Holbein  
Acting Secretary to the Commission

Issued:

**CERTAIN VIDEO GAME SYSTEMS AND CONTROLLERS**      **337-TA-743**

**CERTIFICATE OF SERVICE**

I, James R. Holbein, hereby certify that the attached **COMMISSION ORDER** has been served by hand upon the Commission Investigative Attorney, David O. Lloyd, Esq., and the following parties as indicated, on March 31, 2011.



James R. Holbein, Acting Secretary  
U.S. International Trade Commission  
500 E Street, SW  
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**On Behalf of Complainant Motiva, LLC:**

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- Via Hand Delivery
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**On Behalf of Respondents Nintendo of America, Inc.  
and Nintendo Co., Ltd.:**

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