

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

In the Matter of

**CERTAIN AUDIO PROCESSING
HARDWARE AND SOFTWARE AND
PRODUCTS CONTAINING SAME**

Inv. No. 337-TA-949

**ORDER NO. 10: INITIAL DETERMINATION SETTING AN APPROXIMATELY
NINETEEN MONTH TARGET DATE IN THIS INVESTIGATION**

(July 20, 2015)

On March 18, 2015, I issued Order No. 3 setting the procedural schedule in this investigation in view of the Commission's Notice requiring me to issue an Initial Determination ("ID") on Standing within 100 days of the date this investigation was instituted. Pursuant to the Commission's notice, on June 11, 2015, I issued Order No. 8 as an ID finding Complainant Andrea Electronics has standing to assert the asserted patents in this investigation. On July 13, 2015, the Commission issued a notice indicating that it had determined not to review the ID.

On July 15, 2015, I issued another procedural schedule to facilitate moving this investigation towards an evidentiary hearing on the merits. The procedural schedule set the Markman hearing in this investigation for November 09-10, 2015, and the pre-hearing conference and evidentiary hearing from March 04, 2016 through March 11, 2016. The date for my final ID on violation is set for June 13, 2016, thereby making the target date for this investigation October 13, 2016. The target date is approximately sixteen months from the date I issued my ID finding standing and approximately nineteen months from the date the Notice of Investigation ("NOI") was published in the Federal Register.¹

¹ Normally, I would have scheduled the Markman hearing in this investigation for October 2015, thereby cutting a month off the target date I have currently set, but my hearing schedule prevents me from doing so. In particular, I have a pre-hearing conference and evidentiary hearing scheduled in 337-TA-943 from October 9, 2015, through October 19, 2015. Also, I have a pre-hearing

Pursuant to Commission Rule 210.51(a), a target date for completion of this Investigation must be set. Commission rules permit me to set a target date that exceeds 16 months. *See* 19 C.F.R. 210.51(a)(1) (“If the target date exceeds 16 months, the order of the administrative law judge shall constitute an initial determination”). There is Commission precedent for an extended target date. *See e.g.*, *Certain Mobile Electronic Devices Incorporating Haptics*, Inv. No. 337-TA-834, Notice of Commission Decision Not to Review an Initial Determination the Administrative Law Judge's Initial Determination Setting the Target Date at Approximately 19 Months (May 16, 2012).

In light of the time that was needed to determine Complainant's standing to assert the asserted patents in this investigation and my current hearing schedule, good cause exists for an approximate nineteen month target date. Thus, pursuant to Commission Rules 210.42(a)(1)(i) and 210.51(a) and for good cause, I am setting the target date in this investigation for October 13, 2016. As a result, the final ID on violation shall be due no later than close of business on June 13, 2016.

Pursuant to 19 C.F.R. § 210.42(h), this ID shall become the determination of the Commission unless a party files a petition for review of the ID 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 ID or certain issues herein.

SO ORDERED.



Thomas B. Pender
Administrative Law Judge

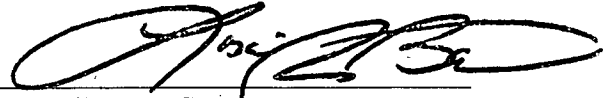
conference and evidentiary hearing scheduled in 337-TA-951 from October 23, 2015, through October 30, 2015. Thus, I scheduled the Markman hearing in this investigation as early as my schedule would permit--November 9, 2015 through November 10, 2015.

**IN THE MATTER OF CERTAIN AUDIO PROCESSING
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SAME**

337-TA-949

CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **PUBLIC INITIAL DETERMINATION
ORDER NO. 10** has been served upon the **Commission Investigative Attorney, Lisa Murray,
Esq.**, and the following parties as indicated on JUL 20 2015.



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**IN THE MATTER OF CERTAIN AUDIO PROCESSING
HARDWARE AND SOFTWARE PRODUCTS CONTAINING
SAME**

337-TA-949

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