

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

In the Matter of

**CERTAIN MARINE SONAR IMAGING
DEVICES, INCLUDING DOWNSCAN
AND SIDESCAN DEVICES, PRODUCTS
CONTAINING THE SAME, AND
COMPONENTS THEREOF**

Inv. No. 337-TA-921

Order No. 11: Initial Determination

On December 2, 2014, pursuant to Commission Rule 210.21(a), complainants Navico, Inc. and Navico Holding AS (collectively, "Navico") filed a motion to terminate this investigation as to respondent Garmin North America, Inc. Motion Docket No. 921-9.

The pending motion states that "Respondents have indicated that they do not oppose this motion, and the Staff has indicated that it will take a position after the motion is filed." Mot. at 3. On December 8, 2014, the Commission investigative staff ("Staff") filed a response supporting the motion. No other response was filed.

Commission Rule 210.21(a)(1), which permits termination of an investigation based on withdrawal of a complaint or certain allegations contained in the complaint, provides in 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.

19 C.F.R. 210.21(a)(1).

Navico argues that "Garmin North America, Inc. and the other Garmin Respondents[] have represented that Garmin North America, Inc. is not, and has never been, involved in the

importation, sale for importation, or sale after importation of the Accused Products. Upon this representation, Navico moves to terminate the Investigation as to Garmin North America, Inc.” Mot. at 2. Navico argues: “The *sole purpose* of this motion is to narrow the scope of this investigation. The motion involves no ‘extraordinary circumstances’ justifying denial of the requested partial termination. This motion is filed over three months from the hearing date, and partial termination would simplify the investigation and conserving the resources of the ALJ, Commission, and the parties. Thus, good cause exists to grant this motion.” *Id.* (emphasis added).

This motion reduces the number of issues to be decided in this investigation by removing respondent Garmin North America, Inc. Granting this motion is in the public interest, which favors the private resolution of disputes to avoid needless litigation and to conserve private and public resources. Pursuant to Commission Rule 210.21(a)(1), Navico states that “there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the Investigation.” *Id.* at 2. In addition, there are no extraordinary circumstances that warrant denying the motion.

Accordingly, it is the initial determination of the undersigned that Motion No. 921-9 is granted. This investigation is terminated as to respondent Garmin North America, Inc.¹

¹ Navico continues to assert three patents and *84 claims*. See Order No. 10 (Dec. 2, 2014). In view of the advanced state of this investigation, Navico is strongly encouraged to narrow further the scope of the investigation.

Pursuant to 19 C.F.R. § 210.42(h), this initial determination shall become 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 contained herein.



David P. Shaw
Administrative Law Judge

Issued: December 11, 2014

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PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **Order No. 11 (Initial Determination)** has been served by hand upon the Commission Investigative Attorney, **Reginald Lucas, Esq.**, and the following parties as indicated, on

December 11, 2014



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street SW, Room 112A
Washington, DC 20436

FOR COMPLAINANTS NAVICO, INC.; AND NAVICO HOLDING AS:	
M. Scott Stevens, Esq. ALSTON & BIRD LLP 950 F Street, NW Washington, DC 20004	<input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
FOR RESPONDENTS GARMIN INTERNATIONAL, INC.; GARMIN NORTH AMERICA, INC.; GARMIN USA, INC.; AND GARMIN (ASIA) CORPORATION:	
Nicholas Groombridge, Esq. PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP 1285 Avenue of the Americas New York, NY 10019	<input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____