

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN WIRELESS HEADSETS

Inv. No. 337-TA-943

**ORDER NO. 7: INITIAL DETERMINATION GRANTING COMPLAINANT'S
MOTION FOR TERMINATION AS TO RESPONDENTS BEATS
ELECTRONICS, LLC AND BEATS ELECTRONICS
INTERNATIONAL**

(April 7, 2015)

On March 31, 2015, Complainant One-E-Way, Inc. ("One-E-Way") filed a motion pursuant to 19 C.F.R. § 210.21(a) seeking withdrawal of its allegations in the Complaint against Respondents Beats Electronics, LLC and Beats Electronics International (collectively "Beats") and terminating this investigation with respect to Beats. (Motion Docket No. 943-004) In addition, One-E-Way seeks a suspension of the procedural schedule with regard to Beats pending ruling on the motion to terminate. On April 2, 2015 the Commission Investigative Staff ("Staff") filed a response in support of the present motion to terminate Beats.

Under Commission Rule 210.21(a)(1),

[a]ny 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 for an order 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). Further, "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." *Id.* In determining whether to grant a motion to terminate an investigation as to a respondent based on the withdrawal of allegations in the complaint against the respondent, the Commission has found that "in the absence of extraordinary circumstances, termination of the investigation will be readily granted to a complainant during the pre-hearing

stage of the investigation.” *Certain Opaque Polymers*, Inv. No. 337-TA-883, Order No. 29 at 1-2 (November 3, 2014).

As required by Commission Rule 210.21(a)(1), One-E-Way’s motion to terminate includes a statement that “With the exception of a Non-Disclosure Agreement put in place to facilitate possible settlement discussions, there are no agreements, written or oral, express or implied, between One-E-Way and Beats concerning the subject matter of this investigation.” Motion at 1. I find no extraordinary circumstances that prevent the termination of this Investigation with respect to Beats. Terminating Beats from this Investigation is in the public interest, as public and private resources will be conserved. *Certain Power Supplies*, Inv. No. 337-TA-646, Order No. 18 (Jan. 5, 2009).

Accordingly, it is my Initial Determination that Motion Docket No. 943-004 is hereby GRANTED. Accordingly, One-E-Way’s allegations in its Complaint against Beats are hereby withdrawn. Because this Order terminates Beats from this investigation, the request to stay the procedural schedule as to Beats is now MOOT. This Initial Determination, along with any supporting documentation, is hereby certified to the Commission.

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 herein.


SO ORDERED.



Thomas B. Pender
Administrative Law Judge

CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **PUBLIC ORDER NO. 7: INITIAL DETERMINATION** has been served upon the **Commission Investigative Attorney, Vu Bui, Esq.**, and the following parties as indicated on APR 07 2015 APR 07 2015 2015.


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