

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

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In the Matter of )  
)  
CERTAIN VIDEO GAME MACHINES ) Investigation No. 337-TA-658  
AND RELATED THREE-DIMENSIONAL )  
POINTING DEVICES )

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Order No. 43: Initial Determination Extending Target Date To February 23, 2010  
Which Includes Extending Due Date For Final Initial Determination

On August 21, 2009, complainant Hillcrest Laboratories, Inc. (Hillcrest) and respondents Nintendo Co., Ltd. and Nintendo of America, Inc. (Nintendo) moved to stay the procedural schedule in this investigation, in particular the date for issuance of the final Initial Determination,<sup>1</sup> and to extend the Target Date two months, i.e. from December 23, 2009 to February 23, 2010.<sup>2</sup> (Motion Docket No. 658-60.)

Movants, in support of the pending motion, argued that the private parties have executed a settlement agreement and will file within 3 business days a motion, to terminate this investigation under 19 C.F.R. § 210.21 (b);<sup>3</sup> that the private parties request said extension in order to provide time for the staff to respond to Motion No. 658-61 under Commission rule 210.21(b), to ensure sufficient time for the chief administrative law judge to rule on Motion No. 658-61, for that Initial Determination under Commission Rule 210.21 (b) to become a final Commission Decision, and, should a termination under Rule 210.21(b) not become final, to ensure that any subsequent issuance

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<sup>1</sup> The present date for the issuance of the final Initial Determination is Monday August 24, 2009. The administrative law judge had intended to file a over 300 page final Initial Determination on August 24.

<sup>2</sup> See Order No. 4 which issued on October 2, 2008.

<sup>3</sup> Said motion (Motion Docket No. 658-61) was filed on August 21, 2009.

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of a final Initial and Recommended Determination on violation complies with Commission Rule 210.42(a)(1)(i).


The private parties further argued that the settlement agreement will resolve this investigation as well as a co-pending district court action between the private parties; that staying the investigation in consideration of Motion No. 658-61 will preserve the resources of the parties, the Commission, the staff, and the Federal district court involved in the parallel pending proceeding. The private parties also represented that the staff has indicated that it does not oppose Motion No. 658-60.

Private resolution of disputes is in the public interest because it conserves time and resources. Certain Data Storage Systems and Components Thereof, Inv. No. 337-TA-471, Order No. 51 (Public Version) at 4 (March 11, 2003) (granting motion to terminate based on settlement after a series of one-week postponements of the procedural schedule in Order Nos. 48, 49, and 50); see also Certain 3G Wideband Code Division Multiple Access (WCDMA) Handsets and Components Thereof, Inv. No. 337-TA-601, Order No. 27 (Public Version) at 1 (February 23, 2009) (granting motion to stay investigation and extend Target Date to accommodate settlement discussions between the parties). Accordingly, the administrative law judge finds good cause for the requested stay and extension of the Target Date to February 23, 2010 and final Initial Determination due date to October 23, 2009 since such relief will provide the private parties with the opportunity to complete a private resolution of the dispute.

Motion No. 658-60 is granted.

This initial determination, pursuant to Commission rule 210.42(c), is hereby CERTIFIED to the Commission. Pursuant to Commission rule 210.42(h)(3), this initial determination shall become the determination of the Commission within thirty (30) days after the date of service

hereof unless the Commission grants a petition for review of this initial determination pursuant to Commission rule 210.43, or orders on its own motion a review of the initial determination or certain issues therein pursuant to Commission rule 210.44.

  
Paul J. Luckern  
Chief Administrative Law Judge

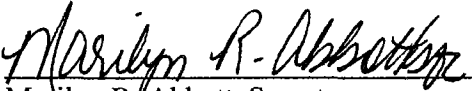
Issued: August 21, 2009

**CERTAIN VIDEO GAME MACHINES AND  
RELATED THREE-DIMENSIONAL POINTING  
DEVICES INTERMEDIATES, AND PRODUCTS  
CONTAINING THE SAME**

**Inv. No. 337-TA-658**

**PUBLIC CERTIFICATE OF SERVICE**

I, Marilyn R. Abbott, hereby certify that the attached **Order** has been served by hand upon the Commission Investigative Attorney, Christopher G. Paulraj, Esq., and the following parties as indicated, on August 21, 2009.

  
Marilyn R. Abbott, Secretary  
U.S. International Trade Commission  
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**Inv. No. 337-TA-658**

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