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August 24, 2011

VIA ELECTRONIC FILING

Honorable James R. Holbein
Secretary
U. S. International Trade Commission
500 E Street, S.W.
Washington, DC 20436

Re: *Certain Motion-Sensitive Sound Effects Devices and Image Display Devices and Components and Products Containing Same, Inv. No. 337-TA-773*

Dear Secretary Holbein:

Enclosed please find the following documents: **Joint Motion to Terminate the Investigation with Respect to Lego A/S and Lego Systems, Inc. and Memorandum of Points and Authorities in Support of the Motion to Terminate the Investigation with Respect to Lego A/S and Lego Systems, Inc.** in the above referenced investigation.

Respectfully submitted,

AGILITY IP LAW
Limited Liability Partnership

David A. Caine

Enclosures

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, DC**

Before The Honorable E. James Gildea
Administrative Law Judge

In the Matter of)

**CERTAIN MOTION-SENSITIVE SOUND)
EFFECTS DEVICES AND IMAGE)
DISPLAY DEVICES AND)
COMPONENTS AND PRODUCTS)
CONTAINING SAME)**

) Investigation No. 337-TA-773

**JOINT MOTION TO TERMINATE THE INVESTIGATION
WITH RESPECT TO LEGO A/S AND LEGO SYSTEMS, INC.**

Pursuant to Commission Rule 210.21(a)(1), Complainant Ogma LLC (“Ogma”) and Respondents LEGO A/S dba LEGO Group and LEGO Systems, Inc. (collectively “LEGO”) move to terminate this Investigation with respect to LEGO only, based on Ogma’s withdrawal of those portions of the ITC Investigation No. 337-TA-773 Complaint setting forth allegations of a violation of 19 U.S.C. § 1337 directed to LEGO. Ogma withdraws its allegations against LEGO because LEGO has represented to Ogma that LEGO does not import the LEGO NXT Accelerometer Sensor, which Ogma accuses of infringement when combined with the accused LEGO Mindstorm NXT 2.0 product.

For the reasons set forth in the Memorandum of Points and Authorities submitted herewith, the moving parties respectfully request that this Joint Motion be granted and that the investigation be terminated as to Respondent LEGO only.

Pursuant to Ground Rule 2.2, counsel for Ogma has conferred with the Staff regarding the substance of this motion. The Staff has indicated that they will take a position once the motion is filed.

August 24, 2011

Respectfully submitted,

/s/ James C. Otteson

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Counsel for Complainant
OGMA, LLC

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, DC**

Before The Honorable E. James Gildea
Administrative Law Judge

In the Matter of)	
)	
CERTAIN MOTION-SENSITIVE SOUND)	Investigation No. 337-TA-773
EFFECTS DEVICES AND IMAGE)	
DISPLAY DEVICES AND)	
COMPONENTS AND PRODUCTS)	
CONTAINING SAME)	

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
JOINT MOTION TO TERMINATE THE INVESTIGATION
WITH RESPECT TO LEGO A/S AND LEGO SYSTEMS, INC.**

Pursuant to Commission Rule 210.21(a)(1), Complainant Ogma LLC (“Ogma”) and Respondents LEGO A/S dba LEGO Group and LEGO Systems, Inc. (collectively “LEGO”) have moved to terminate this Investigation with respect to LEGO, based on Ogma’s withdrawal of those portions of the ITC Investigation No. 337-TA-773 Complaint setting forth allegations of a violation of 19 U.S.C. § 1337 directed to LEGO. Ogma withdraws its allegations because LEGO has represented to Ogma that LEGO does not import the LEGO NXT Accelerometer Sensor, which Ogma accuses of infringement when combined with the accused LEGO Mindstorm NXT 2.0 product. The parties respectfully request that this Joint Motion be granted.

Commission Rule 210.21(a)(1) states in relevant 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 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, or for good cause other than the grounds listed in paragraph (a)(2) of this section. . . . The presiding administrative law judge may grant the motion in an initial determination upon such terms and conditions as he deems proper.

19 C.F.R. § 210.21(a)(1). The Commission has held that “in the absence of extraordinary circumstances, termination of an investigation will be readily granted to a complainant during the prehearing stage of an investigation.” *Certain Ultrafiltration Membrane Systems, & Components Thereof Including Ultrafiltration Membranes*, Inv. No. 337-TA-107, Commission Action & Order at 2 (Mar. 11, 1982).

The parties respectfully submit that no extraordinary circumstances exist here that would preclude granting the instant motion. The Hearing in this Investigation is not set to commence until March 5, 2012. Moreover, the termination of this Investigation with respect to LEGO will decrease the remaining number of Respondents and thereby conserve the resources of the Commission and the remaining parties. Thus, the termination of the Investigation with respect to LEGO is in the public interest as public and private resources will be conserved. *See Certain Prepregs, Laminates, and Finished Circuit Boards*, Inv. No. 337-TA-659, Order No. 11 (April 16, 2009) (citing *Certain Semiconductor Light Emitting Devices, Components Thereof, and Products Containing Same*, Inv. No. 337-TA-444, Order No. 7 (June 27, 2001)).

The parties hereby state that there are no agreements, written or oral, express or implied, between the parties concerning the subject matter of this Investigation.

The parties thus respectfully requests this Joint Motion be granted and the Investigation terminated with respect to LEGO.

August 24, 2011

Respectfully submitted,

/s/ James C. Otteson

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**CERTAIN MOTION-SENSITIVE SOUND EFFECTS
DEVICES AND IMAGE DISPLAY DEVICES AND
COMPONENTS AND PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-773

CERTIFICATE OF SERVICE

I, Sherri L. Mills, hereby certify that on August 24, 2011, copies of the foregoing were served upon the following parties as indicated:

- 1. JOINT MOTION TO TERMINATE THE INVESTIGATION WITH RESPECT TO LEGO A/S AND LEGO SYSTEMS, INC. and**
- 2. MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO TEMRINATE THE INVESTIGATION WITH RESECT TO LEGO A/S AND LEGO SYSTEMS, INC.**

<p>The Honorable James R. Holbein Secretary U.S. International Trade Commission 500 E. Street, S.W., Suite 112 Washington, D.C. 20436 <i>(Six copies)</i></p>	<p><input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Overnight Courier <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via Electronic Filing</p>
<p>The Honorable E. James Gildea Administrative Law Judge Office of the Administrative Law Judge U.S. International Trade Commission 500 E. Street, S.W., Suite 317-E Washington, D.C. 20436 <i>(Two copies)</i></p>	<p><input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Overnight Courier <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via Electronic Filing <input type="checkbox"/> Via Email (.pdf copy)</p>
<p>Sarah Zimmerman Attorney-Advisor Office of the Administrative Law Judge U.S. International Trade Commission 500 E. Street, S.W., Suite 317 Washington, D.C. 20436 Email: sarah.zimmerman@usitc.gov</p>	<p><input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Overnight Courier <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via Electronic Filing <input checked="" type="checkbox"/> Via Email (.pdf copy)</p>
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**CERTAIN MOTION-SENSITIVE SOUND EFFECTS
DEVICES AND IMAGE DISPLAY DEVICES AND
COMPONENTS AND PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-773

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**CERTAIN MOTION-SENSITIVE SOUND EFFECTS
DEVICES AND IMAGE DISPLAY DEVICES AND
COMPONENTS AND PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-773

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**CERTAIN MOTION-SENSITIVE SOUND EFFECTS
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Investigation No. 337-TA-773

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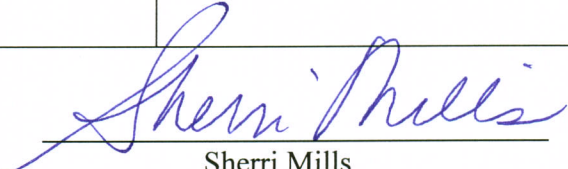
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**CERTAIN MOTION-SENSITIVE SOUND EFFECTS
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Investigation No. 337-TA-773

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