

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

In the Matter of

**CERTAIN AUTOMATED TELLER  
MACHINES, ATM MODULES,  
COMPONENTS THEREOF, AND  
PRODUCTS CONTAINING SAME**

**Investigation No. 337-TA-989**

**LIMITED EXCLUSION ORDER**

The United States International Trade Commission (“Commission”) has determined that there is a violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), in the unlawful importation, sale for importation, or sale within the United States after importation by respondents Diebold Nixdorf, Incorporated and Diebold Self-Service Systems (collectively, “Respondents”) of certain automated teller machines, ATM modules, components thereof, and products containing the same covered by one or more of claims 1-3, 6, 8, and 9 of U.S. Patent No. 8,523,235.

Having reviewed the record of this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, public interest, and bonding. The Commission has determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of covered automated teller machines, ATM modules, components thereof, and products containing the same manufactured by or on behalf of the Respondents or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns.

The Commission has also determined that the public interest factors enumerated in 19

U.S.C. § 1337(d) do not preclude the issuance of the limited exclusion order, and that the bond during the Presidential review period shall be in the amount of zero percent of the entered value for the covered products (*i.e.* no bond).

Accordingly, the Commission hereby **ORDERS** that:

1. Automated teller machines, ATM modules, components thereof, and products containing the same that infringe one or more of claims 1-3, 6, 8, and 9 of U.S. Patent No. 8,523,235 that are manufactured by, or on behalf of, or are imported by or on behalf of Diebold Nixdorf, Incorporated or Diebold Self-Service Systems or any of their affiliated companies, parents, subsidiaries, agents, or other related business entities, or their successors or assigns, including Wincor Nixdorf AG, are excluded from entry for consumption into the United States, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, for the remaining term of U.S. Patent No. 8,523,235, except under license of the patent owner or as provided by law, and except for service or repair articles imported for use in servicing or repairing automated teller machines, ATM modules, components thereof, and products containing the same, for identical articles that were imported as of the date of this Order. This exception does not permit the importation of automated teller machines to replace such articles that were previously imported.
2. Notwithstanding paragraph 1 of this Order, the aforesaid automated teller machines, ATM modules, components thereof, and products containing the same are entitled to entry into the United States for consumption, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, under bond in the amount of zero percent of the entered value (*i.e.*, no bond) of imported automated teller machines,

ATM modules, components thereof, and products containing the same pursuant to subsection (j) of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337(j)), and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 *Fed. Reg.* 43251), from the day after this Order is received by the United States Trade Representative, and until such time as the United States Trade representative notifies the Commission that this action is approved or disapproved but, in any event, not later than sixty (60) days after the issuance of receipt of this action.

3. At the discretion of U.S. Customs and Border Protection (“CBP”) and pursuant to the procedures it establishes, persons seeking to import automated teller machines, ATM modules, components thereof, and products containing the same that are potentially subject to this Order may be required to certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraph 1 of this Order. At its discretion, CBP may require persons who have provided the certification described in this paragraph to furnish such records or analyses as are necessary to substantiate this certification.
4. In accordance with 19 U.S.C. § 1337 (l), the provisions of this Order shall not apply to infringing automated teller machines, ATM modules, components thereof, and products containing the same that are imported by or for the use of the United States, or imported for and to be used for, the United States with the authorization or consent of the Government.
5. The Commission may modify this Order in accordance with the procedures described in Rule 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

6. The Secretary shall serve copies of this Order upon each party of record in this Investigation and upon U.S. Customs and Border Protection.
7. Notice of this Order shall be published in the *Federal Register*.

By order of the Commission.



Lisa R. Barton  
Secretary to the Commission

Issued: July 14, 2017

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**Inv. No. 337-TA-989**

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **LIMITED EXCLUSION ORDER** has been served by hand upon the Office of Unfair Import Investigations and the following parties as indicated, on **July 14, 2017**.



Lisa R. Barton, Secretary  
U.S. International Trade Commission  
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**On Behalf of Complainants Nautilus Hyosung Inc. and  
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