

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN ACCESS CONTROL SYSTEMS
AND COMPONENTS THEREOF**

**Investigation No. 337-TA-1016
(Modification Proceeding)**

**NOTICE OF COMMISSION DETERMINATION TO EXTEND CERTAIN DEADLINES
IN THIS MODIFICATION PROCEEDING**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the administrative law judge's ("ALJ's") initial determination ("ID") (Order No. 48) extending the deadline for the recommended determination ("RD") to April 22, 2019. The Commission has further determined to extend the deadline for determining whether to review the RD to June 6, 2019, and to extend the target date for completion of this modification proceeding to July 22, 2019.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436, telephone 202-205-2382. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on August 3, 2016, based on a complaint filed by the Chamberlain Group ("Chamberlain") of Elmhurst, Illinois. 81 FR 52713 (Aug. 9, 2016). The complaint alleged a violation of 19 U.S.C. § 1337, as amended ("Section 337"), in the importation into the United States, sale for importation, or sale in United States after importation of garage door openers that allegedly infringe certain claims of U.S. Patent No. 7,161,319 ("the '319 patent") and U.S. Patent No. 7,339,336 ("the '336 patent"). A third patent, U.S. Patent No. 7,196,611, was initially raised but later terminated from the investigation. Comm'n Notice (Mar. 20, 2017); Comm'n Notice (May 31, 2017).

The notice of investigation named as respondents Techtronic Industries Co., Techtronic Industries North America, Inc., One World Technologies, Inc., and OWT Industries, Inc., and ET Technology (Wuxi) Co. (collectively “Techtronic”). Ryobi Technologies, Inc. was initially named as a Respondent but was later terminated. Comm’n Notice (Nov. 7, 2016). The Office of Unfair Import Investigations was not named as a party.

On October 23, 2017, the presiding ALJ issued a final ID in the original investigation, in which he found that: Techtronic was infringing the ’319 patent but not the ’336 patent; none of the asserted claims was invalid as obvious; and claim 34 of the ’319 patent was invalid under 35 U.S.C. § 101 (“Section 101”). On December 22, 2017, the Commission determined to review in part the ALJ’s findings on non-obviousness but not infringement. 82 FR 61792 (Dec. 29, 2017). The Commission ultimately determined that Techtronic was infringing the ’319 patent and thus violating Section 337 and that none of the asserted claims was obvious and took no position on the ALJ’s findings under Section 101. The Commission determined to issue a limited exclusion order and cease and desist orders accordingly. *See id.*; 83 FR 13517 (Mar. 29, 2018); Comm’n Op. at 1-2, 13-31, 35-36 (Mar. 23, 2018). The Commission’s final determination is presently on appeal to the U.S. Court of Appeals to the Federal Circuit.

On August 2, 2018, Techtronic filed a petition with the Commission to institute a modification proceeding to determine whether their allegedly redesigned products infringe the ’319 patent and are covered by the Commission’s remedial orders. Chamberlain filed its opposition on August 13, 2018. On September 4, 2018, the Commission issued a notice of its determination to institute the modification proceeding. 83 FR 45676 (Sept. 10, 2018); Comm’n Order (Sept. 9, 2018).

On December 14, 2018, the ALJ held a hearing on the issues raised by the parties. The parties filed their respective post-hearing briefs on December 21, 2018, and their replies on January 30, 2019.

On January 31, 2019, the ALJ issued the subject ID (Order No. 48) extending the deadline for completion of the RD from March 11, 2019, to April 22, 2019, as a result of the partial shutdown of the federal government. No party has filed a petition for review.

Based on its review of the record, including the ALJ’s ID, the Commission has determined not to review the subject ID. Accordingly, the Commission has further determined to extend its deadline for determining whether to review the ALJ’s final RD to June 6, 2019, and the target date for completion of this modification proceeding to July 22, 2019.

The authority for the Commission’s determination is contained in Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is fluid and cursive, with the first name "Lisa" and the last name "Barton" clearly distinguishable.

Lisa R. Barton
Secretary to the Commission

Issued: March 4, 2019