

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN ACCESS CONTROL SYSTEMS
AND COMPONENTS THEREOF**

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

**NOTICE OF INSTITUTION OF RESCISSION PROCEEDING;
RESCISSION OF REMEDIAL ORDERS;
TERMINATION OF THE RESCISSION PROCEEDING**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Commission has determined to institute a rescission proceeding, rescind the remedial orders issued in the above-captioned investigation, and terminate the investigation with a finding of no violation. The proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Carl Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, DC 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, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's Electronic Docket Information System ("EDIS") (<https://edis.usitc.gov>). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted the investigation on August 3, 2016, based on a complaint filed by The Chamberlain Group, Inc. ("Chamberlain") of Elmhurst, Illinois. 81 FR 52713-14 (Aug. 9, 2016). The complaint alleged a violation of 19 U.S.C. 1337, as amended ("Section 337"), in the importation, sale for importation, or sale in United States after importation of certain access control systems and components thereof that allegedly infringe one or more 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 asserted but later terminated by withdrawal. Order No. 28 (May 3, 2017), *not rev'd*, Comm'n Notice (May 31, 2017). The notice of investigation named Techtronic Industries Co., Techtronic Industries North America, Inc., One World Technologies, Inc., OWT Industries, Inc., and ET Technology (Wuxi) Co. (collectively "Techtronic") as respondents. 81 FR at 52713. The Office of Unfair Import Investigations was not named as a party. *See id.*

On March 23, 2018, the Commission affirmed the initial determination (“ID”) of the then-presiding administrative law judge (“ALJ”) that Techtronic violated Section 337 by way of infringing the ’319 patent, but not the ’336 patent. 83 FR 13517 (Mar. 29, 2018). The Commission issued a limited exclusion order and cease and desist orders against Techtronic with respect to the ’319 patent. *Id.*

Chamberlain appealed the Commission’s non-infringement finding with respect to the ’336 patent (Appeal No. 2018-2002) to the U.S. Court of Appeals for the Federal Circuit (“Federal Circuit”). Techtronic cross-appealed the Commission’s infringement and violation finding with respect to the ’319 patent (Appeal No. 2018-2191).

The Court heard oral argument on October 10, 2019. On October 17, 2019, the Federal Circuit affirmed the Commission’s finding of no infringement of the ’336 patent, per Fed. Cir. R. 36. *Chamberlain Group, Inc. v. Int’l Trade Comm’n*, 780 Fed. Appx. 925 (Oct. 17, 2019) (unpublished).

On December 12, 2019, the Federal Circuit issued a written opinion, reversing the Commission’s finding that Techtronic infringed the ’319 patent and vacating the Commission’s remedial orders. *Techtronic Indus. Co. v. Int’l Trade Comm’n*, 944 F.3d 901 (Dec. 12, 2019). Chamberlain did not file a petition for rehearing or rehearing *en banc*. The Federal Circuit issued its mandate on February 3, 2020, pursuant to Fed. R. App. P. 41. *Techtronic Indus. Co. v. Int’l Trade Comm’n*, Appeal No. 2018-2191, Mandate (Feb. 3, 2020) (unpublished). The time for Chamberlain to file a petition of certiorari to the Supreme Court has expired, thus exhausting Chamberlain’s remaining avenue for appeal.

In view of the foregoing final decisions of the Federal Circuit, the Commission has determined to institute a proceeding, pursuant to Commission Rule 210.76(a) (19 CFR 210.76(a)), to rescind the limited exclusion order and cease and desist orders issued in this investigation. The remedial orders issued in the underlying investigation are hereby rescinded as of the date of the issuance of the Federal Circuit’s mandate on February 3, 2020. This proceeding is terminated.

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.



Lisa R. Barton
Secretary to the Commission

Issued: March 26, 2020