

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC

In the Matter of

**CERTAIN DIGITAL CABLE AND
SATELLITE PRODUCTS, SET-TOP
BOXES, GATEWAYS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1049

**NOTICE OF COMMISSION DETERMINATION
TO EXTEND THE TIME FOR DETERMINING WHETHER TO REVIEW
AN INITIAL DETERMINATION OF UNENFORCEABILITY**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend the time for determining whether to review an initial determination (“ID”) (Order No. 28) granting summary determination of unenforceability of U.S. Patent No. RE45,126 until January 22, 2018.

FOR FURTHER INFORMATION CONTACT: Lucy Grace D. Noyola, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, DC 20436, telephone 202-205-3438. 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 (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 April 18, 2017, based on a complaint filed by Sony Corporation of Tokyo, Japan and Sony Electronics Inc. of San Diego, California (collectively, “Sony”), alleging a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337. 82 FR 18310 (Apr. 18, 2017). The complaint, as supplemented, alleges violations of section 337 in the sale for importation, importation and sale after importation of certain digital cable and satellite products, set-top boxes, gateways, and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 6,467,093; 8,032,919; 6,556,221; 6,915,525; and RE45,126 (“the ’126 patent”). The notice of investigation names as respondents ARRIS International plc, ARRIS Group, Inc.,

ARRIS Enterprises LLC, and ARRIS Solutions, Inc., all of Suwanee, Georgia; ARRIS Technology, Inc. of Horsham, Pennsylvania; ARRIS Global Ltd. (formerly Pace Ltd.) of Saltaire, England; and Pace Americas, LLC, Pace Americas Holdings, Inc., Pace USA LLC, and Pace Americas Investments LLC, all of Boca Raton, Florida (collectively, "ARRIS"). *Id.* at 1310-11. The Office of Unfair Import Investigations ("OUII") is also named as a party. *Id.* at 18311.

On September 6, 2017, ARRIS filed a motion for summary determination that the '126 patent is unenforceable as a matter of law and should be dismissed from the case. On September 18, 2017, Sony filed an opposition to ARRIS's motion. On the same day, OUII filed a response supporting ARRIS's motion. On September 25, 2017, ARRIS filed a motion for leave to file a reply in support of their motion and OUII filed a motion for leave to file a reply in support of OUII's response. On September 27, 2017, Sony filed an opposition to each of the motions for leave to file a reply. On October 6, 2017, ARRIS's and OUII's motions for leave to file a reply were granted.

On October 19, 2017, the presiding administrative law judge ("ALJ") issued the subject ID (Order No. 28), granting ARRIS's motion for summary determination. The ALJ found that the '126 patent is unenforceable as a matter of law and dismissed the '126 patent from the investigation.

On October 27, 2017, Sony filed a petition for review of the ID. On November 3, 2017, ARRIS and OUII filed responses to Sony's petition. On November 7, 2017, Sony filed a motion to file a reply. On November 9, 2017, and November 14, 2017, ARRIS and OUII respectively filed responses to Sony's motion.

The Commission has determined to extend the time for determining whether to review the ID until January 22, 2018.

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 C.F.R. part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: November 20, 2017