

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

**In the Matter of**

**CERTAIN DENTAL CERAMICS, PRODUCTS  
THEREOF, AND METHODS OF MAKING THE  
SAME**

**Investigation No. 337-TA-1050**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN  
INITIAL DETERMINATION TERMINATING THE  
INVESTIGATION AS TO CERTAIN  
ASSERTED PATENT CLAIMS**

**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 presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 18), which granted in part a motion to terminate the investigation as to certain asserted patent claims, in the above-captioned investigation.

**FOR FURTHER INFORMATION CONTACT:** Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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, S.W., 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 TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on April 25, 2017, based on a complaint, as supplemented, filed by Ivoclar Vivadent AG of Schaan, Liechtenstein; Ivoclar Vivadent, Inc. of Amherst, New York; and Ardent, Inc. of Amherst, New York (collectively "Ivoclar"). 82 FR 19081 (Apr. 25, 2017). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain dental ceramics, products thereof, and methods of making the same by reason of the infringement of certain claims of four United States patents: U.S. Patent No.

7,452,836 (“the ’836 patent”); U.S. Patent No. 6,517,623 (“the ’623 patent”); U.S. Patent No. 6,802,894 (“the ’894 patent”); and U.S. Patent No. 6,455,451 (“the ’451 patent”). The notice of investigation named as respondents GC Corporation of Tokyo, Japan; and GC America, Inc. of Alsip, Illinois (collectively, “GC”). The Office of Unfair Import Investigations was also named as a party.

On October 12, 2017, Ivoclar moved to terminate the investigation as to certain patent claims. On October 20, 2017, GC responded in agreement with the termination, but argued that one additional patent claim should be terminated from the investigation based upon a previous representation by Ivoclar. On October 23, 2017, the Commission investigative attorney responded, noting that some of the claims identified in the motion related to the domestic industry requirement and other claims related to infringement.

On November 8, 2017, the ALJ issued the subject ID. The ID finds that the motion complies with Commission rules that no extraordinary circumstances exist to prevent granting the motion. ID at 4. The ID grants the motion in part, specifically as to the patent claims withdrawn for infringement: claim 22 of the ’836 patent; claim 27 of the ’623 patent; and claims 17-19 and 52-53 of the ’451 patent. *Id.* The ID does not take a position on the patent claim raised in GC’s response to the motion. *Id.* at 4 n.1.

No petitions for review of the ID were filed. The Commission has determined not to review the ID.

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: December 6, 2017