

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN MICROFLUIDIC DEVICES

Investigation No. 337-TA-1068

**NOTICE OF COMMISSION DETERMINATION TO EXTEND THE TARGET DATE
FOR COMPLETION OF THIS INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined to extend until December 10, 2019, the target date for completion of the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Ron Traud, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-205-3427. 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 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, telephone 202-205-1810.

SUPPLEMENTARY INFORMATION: On September 6, 2017, the Commission instituted this investigation based on a complaint filed by Bio-Rad Laboratories, Inc. of Hercules, California; and Lawrence Livermore National Security, LLC of Livermore, California. 82 FR 42115 (Sept. 6, 2017). The complaint (and supplement thereto) alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”) based upon the importation into the United States, the sale for importation, or the sale within the United States after importation of certain microfluidic devices by reason of infringement of certain claims of U.S. Patent No. 9,500,664 (“the ’664 patent”); U.S. Patent No. 9,089,844; U.S. Patent No. 9,636,682 (“the ’682 patent”); U.S. Patent No. 9,649,635 (“the ’635 patent”); and U.S. Patent No. 9,126,160. *Id.* The Commission’s notice of investigation named as the sole respondent 10X Genomics, Inc. of Pleasanton, California (“10X”). *Id.* The Office of Unfair Import Investigations was also named as a party to this investigation. *Id.*

On September 20, 2018, the presiding administrative law judge issued a final initial determination (“ID”), which finds 10X in violation of section 337 as to the ’664 patent, the ’682 patent, and the ’635 patent. On December 4, 2018, the Commission determined to review some of the issues petitioned and requested briefing on only remedy, the public interest, and bonding. 83 FR 63672 (Dec. 11, 2018).

On December 17, 2018, the Commission received the parties’ opening briefing, and on January 30, 2019, the Commission received the reply briefing.

On June 10, 2019, the Commission requested supplemental briefing on the public interest. 84 FR 27802 (June 14, 2019); 84 FR 31912 (July 3, 2019) (modifying briefing schedule).

Currently, the target date for completion of this investigation is November 5, 2019. The Commission has determined to extend the target date for completion of this investigation to December 10, 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', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: November 5, 2019