

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

**In the Matter of**

**CERTAIN SUBSEA TELECOMMUNICATION  
SYSTEMS AND COMPONENTS THEREOF**

**Investigation No. 337-TA-1098**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING-IN-PART AN UNOPPOSED MOTION FOR PARTIAL  
TERMINATION OF THE INVESTIGATION AS TO CERTAIN 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 an initial determination (“ID”) (Order No. 47) of the presiding administrative law judge (“ALJ”) granting-in-part an unopposed motion for partial termination of the investigation as to certain patent claims, based on the withdrawal of the allegations pertaining to those claims.

**FOR FURTHER INFORMATION CONTACT:** Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-4716. 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 January 26, 2018, based on a complaint filed by Complainants Neptune Subsea Acquisitions Ltd. of the United Kingdom, Neptune Subsea IP Ltd. of the United Kingdom, and Xtera, Inc. of Allen, Texas. *See* 83 Fed. Reg. 3770-71 (Jan. 26, 2018). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain subsea telecommunication systems and components thereof by reason of infringement of one or more claims of U.S. Patent No. 8,380,068 (“the ’068 patent”); U.S. Patent No. 7,860,403 (“the ’403 patent”); U.S. Patent No. 8,971,171 (“the ’171 patent”); U.S. Patent No. 8,351,798 (“the ’798 patent”); and U.S. Patent No. 8,406,637 (“the ’637 patent”). *See id.* The notice of investigation identified the following respondents: Nokia Corporation of Finland;

Nokia Solutions and Networks B.V. of the Netherlands; Nokia Solutions and Networks Oy of Finland; Alcatel-Lucent Submarine Networks SAS of France; Nokia Solutions and Networks US LLC of Phoenix, Arizona; NEC Corporation of Japan; NEC Networks & System Integration Corporation of Japan; and NEC Corporation of America of Irving, Texas. *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

On November 16, 2018, Complainants filed an unopposed motion (“*Motion*”) for partial termination of the investigation as to claims 2-5, 8, 9, and 11-15 of the ’068 patent; claims 3-5, 7, 10, 11, and 14 of the ’403 patent; claims 2-4 and 6-10 of the ’171 patent; and claims 14, 16-18, and 20 of the ’798 patent based on the withdrawal of the allegations pertaining to those claims. On November 19, 2018, OUII filed a response in support of the *Motion*.

On November 20, 2018, the ALJ issued the subject ID (Order No. 47) granting the *Motion* in-part. The ID denies the *Motion* as moot with respect to the ’068 patent, in view of Order No. 46 granting summary determination of no violation as to all asserted claims of the ’068 patent. *See ID* at 2 (citing Order No. 46 (Nov. 19, 2018)). With respect to the ’403 patent, the ’171 patent, and the ’798 patent, the ID finds that “[Complainants] ha[ve] complied with the requirements of Commission Rule 210.21(a),” 19 CFR 210.21(a). *See id.* The ID notes that “[Complainants] state[] that there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation.” *See id.* The ID also finds that “no extraordinary circumstances exist that would prevent . . . partial termination of this investigation.” *See id.*

No petition for review of the subject ID was filed. The Commission has determined not to review the subject 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 CFR part 210).

By order of the Commission.



Lisa R. Barton  
Secretary to the Commission

Issued: December 11, 2018