

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MOVABLE BARRIER
OPERATOR SYSTEMS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1118

**NOTICE OF A COMMISSION DETERMINATION TO EXTEND THE DEADLINE FOR
DETERMINING WHETHER TO REVIEW THE FINAL INITIAL DETERMINATION
AND ORDER NO. 38 GRANTING SUMMARY DETERMINATION ON THE
ECONOMIC PRONG OF DOMESTIC INDUSTRY**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined to extend the deadline for determining whether to review the final initial determination (“ID”) in this investigation and Order No. 38 granting summary determination on the economic prong of domestic industry to February 19, 2020. The current target date of April 20, 2020, for completion of this investigation remains unchanged.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, 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: On June 11, 2018, the Commission instituted the present investigation based on a complaint and supplement thereto filed by The Chamberlain Group, Inc. (“Chamberlain”) of Oak Brook, Illinois. 83 FR 27020-21 (June 11, 2018). The complaint, as supplemented, alleges a violation of 19 U.S.C. 1337, as amended (“Section 337”), in the importation, sale for importation, or sale in the United States after importation of certain movable barrier operator systems that purportedly infringe one or more of the asserted claims of Chamberlain’s U.S. Patent Nos. 8,587,404 (“the ’404 patent”); 7,755,223 (“the ’223 patent”); and 6,741,052 (“the ’052 patent”). *Id.* The Commission’s notice of investigation named Nortek Security & Control, LLC of Carlsbad, CA; Nortek, Inc. of Providence, RI; and GTO Access, LLC of Tallahassee, FL (collectively, “Nortek”) as respondents. 83 FR at 270721. The Office of Unfair Import Investigations was not named as a party to this investigation. *See id.*

At present, only claim 11 of the '404 patent, claims 1 and 21 of the '223 patent, and claim 1 of the '052 patent remain at issue due to the withdrawal of other certain claims. *See* Order No. 16 (Feb. 5, 2019), *not rev'd*, Comm'n Notice (March 6, 2019); Order No. 27 (June 7, 2019), *not rev'd*, Comm'n Notice (June 27, 2019); Order No. 31 (July 30, 2019), *not rev'd*, Comm'n Notice (Aug. 19, 2019); Order No. 32 (Sept. 27, 2019), *not rev'd*, Comm'n Notice (Oct. 17, 2019).

On November 25, 2019, the ALJ issued two IDs. The first (Order No. 38) grants summary determination that CGI has satisfied the economic prong of the domestic industry requirement, pursuant to Commission Rule 210.42(c), 19 CFR 210.42(c). The second is the final Initial Determination on Violation of Section 337 and Recommended Determination on Remedy and Bond, finding no violation of Section 337 because CGI's asserted claims are either not infringed or invalid, and, in the case of the '223 patent, the technical prong of domestic industry has not been met. ID at 1, 286-87. Both parties have filed petitions for review and responses thereto with respect to both the final ID and Order No. 38.

On December 16, 2019, the Commission extended the deadline for determining whether to review Order No. 38 to January 24, 2020, to coincide with the deadline for determining whether to review the final ID. Comm'n Notice (Dec. 16, 2019). On January 23, 2020, the Commission extended the deadline for determining whether to review the final ID and Order No. 38 to February 14, 2020, and the target date for completing this investigation to April 20, 2020. Comm'n Notice (Jan. 23, 2020).

The Commission has determined to extend the deadline for determining whether to review the final ID and Order No. 38 to February 19, 2020. The current target date of April 20, 2020, for completion of this investigation remains unchanged.

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: February 14, 2020