

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

**In the Matter of**

**CERTAIN POWERED COVER PLATES**

**Investigation No. 337-TA-1124**

**COMMISSION NON-REVIEW OF AN INITIAL DETERMINATION GRANTING  
COMPLAINANT'S MOTIONS FOR SUMMARY DETERMINATION REGARDING  
INFRINGEMENT AND IMPORTATION**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that an initial determination (“ID”) (Order No. 39) of the presiding Administrative Law Judge (“ALJ”) granting complainants’ motions for summary determination regarding infringement and importation became the Commission’s determination on August 9, 2019, pursuant to Commission Rule 210.42(h)(3) (19 CFR 210.42(h)(3)).

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436, telephone (202) 205-3115. 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 <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://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 the investigation on July 23, 2018, based on a complaint filed by SnapRays, LLC d/b/a SnapPower of Vineyard, UT (“SnapPower”). 83 FR 34871 (July 23, 2018). The complaint, as supplemented, alleges a violation 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 powered cover plates by reason of infringement of certain claims of U.S. Patent Nos. 9,871,324; 9,917,430; and 9,882,361, and U.S. Design Patent No. D819,426 (“the Asserted Patents”). The notice of investigation named numerous respondents. The Commission’s Office of Unfair Import Investigations (“OUII”) also was named as a party.

The Commission previously found respondents Dazone LLC (“Dazone”), Desteny Store (“Desteny”), Zhejiang New-Epoch Communication Industry Co., Ltd. (“NEPCI”), and Manufacturers Components Incorporated (“MCI”) (collectively, “the Defaulting Respondents”) in default. Order No. 18 (Nov. 28, 2018) (*non-reviewed* December 21, 2018).

On November 28, 2018, SnapPower filed its Motion for Summary Determination Regarding Infringement (“Infringement Motion”) against the Defaulting Respondents, as well as respondents Enstant Technology Co., Ltd. (“Enstant”) and Vistek Technology Co., Ltd (“Vistek”), the only two named respondents who participated throughout this investigation. *See* ID at 2. In its Infringement Motion and Memorandum, SnapPower argued that the Defaulting Respondents’ products, as well as Enstant and Vistek’s products, infringe the Asserted Patents. On December 10, 2018, OUII filed its Response to the Infringement Motion (“OUII Response”) in which it supported the Infringement Motion with respect to all respondents, with the exception of only claim 8 of the ’430 patent that SnapPower asserted against respondent Dazone, which OUII believes is not infringed by Dazone. OUII Response at 6.

On November 29, 2018, complainant SnapPower moved for summary determination that it has satisfied the importation requirement (“Importation Motion”) with respect to the Defaulting Respondents. On December 10, 2018, OUII filed its Response in which it supported SnapPower’s Importation Motion.

On December 10, 2018, Enstant and Vistek, which, according to SnapPower’s allegation, infringed certain claims of the ’361 patent, filed their response to the Infringement Motion (“Enstant and Vistek Response”) in which they do not dispute infringement *per se*, but state that, because they contend that the ’361 patent is invalid, infringement is not possible. Enstant and Vistek Response at 1. The Defaulting Respondents did not respond.

On July 10, 2019, the ALJ issued the subject ID. The ID “provides the rationale and evidentiary support for two (2) oral Orders that resolved two (2) motions for summary determination that Complainant [] SnapPower filed”: (1) SnapPower’s Infringement Motion and (2) SnapPower’s Importation Motion. ID at 1 (citations omitted).

With respect to the Importation Motion, the ID finds that the Importation Motion is supported by undisputed, material evidence of record that an accused product manufactured or distributed by each of the Defaulting Respondents was imported into the United States and/or sold within the United States after importation. ID at 7 (citations omitted). *See also id.* at 8-11. Accordingly, the ID grants SnapPower’s Importation Motion. ID at 11 (internal citations omitted).

With respect to the Infringement Motion, the ID notes that the Infringement Motion and the ALJ’s verbal Order apply to the Defaulting Respondents, as well as to respondents Enstant and Vistek. *See* ID at 2. The ID finds that the record evidence shows that Enstant’s and Vistek’s accused products literally infringe the ’361 patent. ID at 23-25 (citations omitted).

Specifically, the ID finds that the accused Enstant and Vistek cover plates infringe claims 1, 4, 10, 14, 21 and 24 of the '361 patent. ID at 25. Accordingly, the ID grants the part of the Infringement Motion that applies to Enstant and Vistek. *Id.*

The ID further finds that the Defaulting Respondents' accused products literally infringe claims of the Asserted Patents asserted against them. ID at 25. The ID states that because there are no disputed material facts other than with respect to claim 8 of the '430 patent that applies to the Dazone Night Angel product, based upon the remaining undisputed evidence, that part of SnapPower's Infringement Motion that applies to the Defaulting Respondents is granted. ID at 28 (citing Staff Response at 15). Specifically, based on the undisputed record evidence, *see* ID at 26-29, the ID finds that the Defaulting Respondents' accused products infringe the claims of the Asserted Patents as follows:

- Dazone: claims 1, 4, 8, 10, 13, 17, and 19 of the '324 Patent; 1, 2, 3, 7, 18, and 19 of the '430 Patent; and the single claim of the '426 Design Patent;
- Desteny: claims 1, 4, 8, 9, 13, 17, and 19 of the '324 patent; and the single claim of the '426 Design Patent;
- NEPCI: claims 1, 4, 14, 21, and 23 of the '361 patent; and the single claim of the '426 Design Patent; and
- MCI: claims 1, 4, 10, 14, 21, 23, and 24 of the '361 patent.

*See* ID at 28. No party petitioned for review of the ID.

The date for determining whether to review the subject ID was August 9, 2019. Therefore, without Commission action, the ID became the Commission's determination pursuant to Commission Rule 210.42(h)(3) (19 CFR 210.42(h)(3)).

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: August 12, 2019