

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN HIGH-DENSITY FIBER OPTIC
EQUIPMENT AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1194

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING A MOTION FOR RETURN OF BONDS**

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 respondent Panduit Corporation’s (“Panduit”) unopposed motion for return of the bonds it posted during the period of Presidential Review.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, D.C. 20436, telephone 202-205-2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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 original investigation on March 24, 2020, based on a complaint filed on behalf of Corning Optical Communications LLC (“Corning”) of Charlotte, North Carolina. 85 FR 16653 (Mar. 24, 2020). 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 high-density fiber optic equipment and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 9,020,320 (the “’320 patent”), 10,444,456 (the “’456 patent”), 10,120,153 (the “’153 patent”), 8,712,206, and 10,094,996 (“the ’996 patent”). *Id.* The ’996 patent was subsequently terminated from the investigation. *See* Order No. 11 (July 29, 2020), *unreviewed by Comm’n* Notice (Aug. 13, 2020). The Commission’s notice of investigation named numerous respondents including Panduit of Tinley, Illinois. 85 FR 16653. The notice of investigation

also named the Office of Unfair Import Investigations (“OUII”) as a party. The full investigation background is in the final termination notice. 86 FR 43564-65 (Aug. 9, 2021).

On August 3, 2021, the Commission found, *inter alia*, that Panduit violated section 337 with respect to claims 1 and 3 of the ’320 patent; claims 11, 12, 14-16, 19, 21, 27, and 28 of the ’456 patent; and claims 9, 16, 23, and 26 of the ’153 patent. *Id.* at 43565. Specifically, the Commission found that Panduit’s imported articles were used by customers to directly infringe the asserted claims of the ’320, ’456, and ’153 patents at Panduit’s inducement. *Id.* The Commission issued, *inter alia*, a general exclusion order (“GEO”) and a cease and desist order (“CDO”) against Panduit and determined that a bond as set forth in the Orders was required during the period of Presidential review. 19 U.S.C. 1337(j)(3).

Panduit timely appealed the Commission’s final determination to the U.S. Court of Appeals for the Federal Circuit. Thereafter, Panduit and Corning agreed to a settlement resolving the dispute in this investigation. As a result of the settlement between Corning and Panduit, the appeal as to Panduit was dismissed on October 14, 2022.

On October 28, 2022, Panduit filed an unopposed motion for return of the bonds it posted under the CDO and the GEO. OUII filed a response supporting the motion.

On March 8, 2023, the Chief ALJ issued the subject ID, which granted Panduit’s motion. No petitions for review of the ID were filed.

The Commission vote for this determination took place on April 24, 2023.

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: April 24, 2023