

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 A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION WITH
RESPECT TO CERTAIN ASSERTED 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. 11) of the presiding administrative law judge (“ALJ”), granting complainant’s unopposed motion for partial termination of the investigation with respect to certain asserted patent claims.

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 this 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, alleges 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”); 8,712,206 (“the ’206 patent”); 10,120,153 (“the ’153 patent”); 10,094,996 (“the ’996 patent”); and 10,444,456 (“the ’456 patent”). *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission’s notice of investigation named thirteen respondents. *Id.* The notice of investigation also names the Office of Unfair Import Investigations as a party. *Id.* at 16654.

On July 8, 2020, Corning filed an unopposed motion to withdraw its allegations of infringement with respect to the following claims: claim 2 of the '320 patent; claims 2, 10, and 11 of the '206 patent; claims 2, 5-8, 11-15, 19, 24, 25, and 27 of the '153 patent; claims 22 and 23-29 of the '996 patent; and claims 17, 18, 20, 29, and 30 of the '456 patent. On July 29, 2020, the ALJ issued the subject ID granting the motion. *See* Order No. 11 at 3 (July 29, 2020). The ALJ found that the requirements of Commission Rule 210.21(a)(1) have been met and that no extraordinary circumstances prevent granting the motion. *See id.* at 2-3. No petitions for review were filed.

The Commission has determined not to review the subject ID. Accordingly, this investigation is terminated with respect to the following claims: claim 2 of the '320 patent; claims 2, 10, and 11 of the '206 patent; claims 2, 5-8, 11-15, 19, 24, 25, and 27 of the '153 patent; claims 22 and 23-29 of the '996 patent; and claims 17, 18, 20, 29, and 30 of the '456 patent.

While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the Complainant complete service for any party without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

The Commission vote for this determination took place on August 13, 2020.

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 13, 2020