

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 TO REVIEW AND, ON REVIEW,
TO AFFIRM WITH MODIFICATION AN INITIAL DETERMINATION
TERMINATING THE INVESTIGATION AS TO RESPONDENT TOTAL CABLE
SOLUTIONS, INC. BASED ON A CONSENT ORDER STIPULATION;
ISSUANCE OF CONSENT ORDER**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review and, on review, to affirm with modification an initial determination (“ID”) (Order No. 16) of the presiding administrative law judge (“ALJ”) terminating the investigation with respect to respondent Total Cable Solutions, Inc. (“TCS”) based on a consent order stipulation. The Commission has entered a consent order.

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; 8,712,206; 10,120,153; 10,094,996; and 10,444,456. *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission’s notice of investigation named thirteen respondents,

including TCS of Springboro, Ohio; Legrand North America, LLC (“Legrand”) of West Hartford, Connecticut; AFL Telecommunications Holdings LLC (“AFL Holdings”) of Duncan, South Carolina; Huber+Suhner AG of Herisau, Switzerland; Huber + Suhner, Inc. of Charlotte, North Carolina; Shenzhen Anfkom Telecom Co., Ltd. d/b/a Anfkom Telecom (“Anfkom”) of Shenzhen, China; Shanghai TARLUZ Telecom Tech. Co., Ltd. d/b/a TARLUZ (“TARLUZ”) of Shanghai, China; and Wulei Technology Co., Ltd. d/b/a Bonelinks (“Wulei Bonelinks”) of Shenzhen, China. *Id.* at 16653-54. The notice of investigation also names the Office of Unfair Import Investigations (“OUII”) as a party. *Id.* at 16654.

Respondent Legrand was terminated from the investigation based on withdrawal of allegations in the complaint pursuant to Commission Rule 210.21(a), 19 CFR 210.21(a). *See* Order No. 5 (Apr. 16, 2020); *unreviewed by* Comm’n Notice (May 7, 2020). The complaint and notice of investigation were amended to add respondent AFL Telecommunications LLC and to terminate respondent AFL Holdings. 85 FR 44923 (July 24, 2020). Respondents Huber+Suhner AG, Huber + Suhner, Inc., Anfkom, TARLUZ, and Wulei Bonelinks were found in default pursuant to Commission Rule 210.16, 19 CFR 210.16. *See* Order Nos. 7 & 8 (June 9, 2020), *unreviewed by* Comm’n Notice (June 22, 2020); Order No. 13 (Aug. 21, 2020), *unreviewed by* Comm’n Notice (Sep. 15, 2020).

On August 27, 2020, Corning filed a revised motion to terminate the investigation with respect to TCS based upon a consent order stipulation (hereinafter, “Mot.”).¹ The motion included a consent order stipulation and a proposed consent order. OUII filed a response in support of the motion. No other party filed a response.

On September 10, 2020, the ALJ issued the subject ID, granting the motion and terminating the investigation with respect to TCS based on the entry of a consent order. Order No. 16 at 3 (Sep. 10, 2020). The ID found that the consent order stipulation and proposed consent order complied with Commission Rule 210.21(c)(3) and (4) (19 CFR 210.21(c)(3) and (4)). *Id.* at 2. However, the ID noted that the consent order stipulation does not include the statement required under Commission Rule 210.21(c)(3)(i)(F). *Id.* at 2 n.1. The ID also found that termination of the investigation with respect to TCS would not be contrary to the public interest. *Id.* at 3. No petitions for review of the ID were received.

The Commission has determined to review the subject ID and to issue a consent order. On review, the Commission finds that the consent order stipulation includes a statement that the signing thereof “is for settlement purposes only and does not constitute admission by [TCS] that an unfair act has been committed” in accordance with Commission Rule 210.21(c)(3)(i)(F). *See* Mot., Ex. A at ¶ 7. Accordingly, the Commission affirms the ID with this modification. Respondent TCS is hereby terminated from the investigation.

¹ Corning had filed a motion to terminate the investigation with respect to TCS based upon a consent order stipulation on July 9, 2020. At the request of the ALJ, Corning filed a revised motion on August 27, 2020.

The Commission vote for this determination took place on September 28, 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.

A handwritten signature in black ink, appearing to read "Lisa R. Barton".

Lisa R. Barton
Secretary to the Commission

Issued: September 29, 2020