

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN MOVABLE BARRIER
OPERATOR SYSTEMS AND
COMPONENTS THEREOF

Investigation No. 337-TA-1209
(Enforcement)

NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION EXTENDING THE TARGET DATE

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. 25) of the presiding Administrative Law Judge (“ALJ”) extending the target date for completion of the enforcement proceeding until September 14, 2023.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. 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: On August 10, 2020, the Commission instituted an investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by Overhead Door Corporation of Lewisville, Texas and GMI Holdings Inc. of Mount Hope, Ohio (collectively, “Complainants”). *See* 85 FR 48264-65 (Aug. 10, 2020). The complaint, as supplemented, alleged a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain movable barrier operator systems and components thereof by reason of infringement of U.S. Patent Nos. 8,970,345; 7,173,516; 7,180,260; 9,483,935 (“the ’935 patent”); 7,956,718 (“the ’718 patent”); and 8,410,895 (“the ’895 patent”). *See id.* The notice of investigation named Chamberlain of Oak Brook, Illinois (“Chamberlain”) as the respondent in this investigation. *See id.*

On February 9, 2022, the Commission issued a final determination finding a violation of section 337, based on Chamberlain’s infringement of the asserted claims of the ’935, ’718, and ’895 patents. *See* 87 FR 8605-06 (Feb. 15, 2022). The Commission further determined to: (1) issue a limited exclusion order against Chamberlain’s infringing products and a cease and desist order against Chamberlain (collectively, the “remedial orders”); and (2) set a bond during the period of Presidential review in the amount of one hundred (100) percent of the entered value of the infringing articles. *See id.* On March 30, 2022, the Commission issued modified remedial orders to confirm that the covered products or articles in the remedial orders include garage door openers, gate operators, and commercial operators. *See* 87 FR 19709-10 (Apr. 5, 2022).

On August 5, 2022, the Commission instituted an enforcement proceeding under Commission Rule 210.75 (19 CFR 210.75) to investigate alleged violations of the remedial orders by Chamberlain’s legacy and redesigned products. *See* 87 FR 48039 (Aug. 5, 2022). In addition to Complainants and Chamberlain, the Office of Unfair Import Investigations was also named as a party to the enforcement proceeding. *See id.*

On December 21, 2022, the Commission terminated the enforcement proceeding as to the ’718 patent based on withdrawal of the enforcement complaint as to that patent. *See* Order No. 14 (Dec. 1, 2022), *unreviewed by* Comm’n Notice (Dec. 21, 2022).

On May 2, 2023, the ALJ issued the subject ID (Order No. 25) extending the target date for completion of the enforcement proceeding until September 14, 2023. *See* ID at 2. Pursuant to this schedule, the final enforcement ID is due by June 14, 2023. The ID indicates that good cause exists under Commission Rule 210.51(a), 19 CFR 210.51(a), for extending the target date, in view of the ALJ’s schedule and responsibilities in other pending investigations. *See id.*

No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID. The target date for completion of the enforcement proceeding is September 14, 2023.

The Commission’s vote on this determination took place on May 25, 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: May 25, 2023