

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN ELECTRONIC STUD
FINDERS, METAL DETECTORS AND
ELECTRICAL SCANNERS**

Investigation No. 337-TA-1221

**NOTICE OF A COMMISSION DETERMINATION DESIGNATING SHORTENED
RESPONSE TIME TO ZIRCON'S MOTION FOR EXTENSION OF TIME**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to shorten the time for responses to Complainant Zircon's motion to extend the briefing schedule for the parties' submissions in response to the Commission's notice of review. Any responses to the motion shall be filed by Wednesday, December 15, 2021.

FOR FURTHER INFORMATION CONTACT: Benjamin S. Richards, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 708-5453. 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.

On October 5, 2020, the Commission instituted this investigation based on a complaint filed on behalf of Zircon Corporation of Campbell, California ("Zircon"). 85 FR 62758-59 (Oct. 5, 2020). The complaint alleged violations 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 electronic stud finders, metal detectors, and electrical scanners by reason of infringement of one or more claims of U.S. Patent Nos. 6,989,662, 7,148,703, 8,604,771, and 9,475,185. *Id.* at 62759. The Commission's notice of investigation named as respondents Stanley Black & Decker, Inc. of New Britain, Connecticut, and Black & Decker (U.S.), Inc. of Towson, Maryland (together, "Respondents"). *Id.* The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

On October 7, 2021, the administrative law judge ("ALJ") issued his initial determination ("ID") on violation, which found no violation of section 337 as to any claim of the remaining

asserted patents by Respondents. Also, on October 7, 2021, the ALJ issued his recommended determination on remedy and bonding. The ALJ recommended, upon a finding of violation, that the Commission issue a limited exclusion order and impose a bond in the amount of zero percent of the entered value of any covered products imported during the period of Presidential review.

On December 6, 2021, the Commission determined to review the ID in part. 86 FR 70529 (Dec. 10, 2021). In connection with its review, the Commission requested briefing from the parties on certain issues under review and on remedy, the public interest, and bonding. *Id.* at 70530–32. The Commission set a deadline of December 20, 2021, for the parties’ opening submissions and a deadline of January 3, 2021, for the parties reply submissions. *Id.* at 70531–32.

On December 10, 2021, Zircon moved the Commission to extend the briefing schedule for the parties’ submissions. Specifically, Zircon asks the Commission to extend the time for filing opening briefs to December 23, 2021, and the time for filing reply briefs to January 7, 2022. Zircon’s motion indicates that it met and conferred with counsel for Respondents and that Respondents have indicated that they oppose Zircon’s motion.

Commission Rule 210.15(c) provides that the Commission may designate a shortened response time to any motion filed in an investigation pending before the Commission. 19 CFR 210.15(c). In light of the brevity of Zircon’s motion, the simplicity of the issues therein, and the time-sensitive nature of the relief requested, the Commission has determined to designate a shortened response time to Zircon’s motion. Respondents shall file any response to Zircon’s motion no later than **Wednesday, December 15, 2021**. The Commission will rule on Zircon’s motion promptly thereafter.

The Commission vote for this determination took place on December 14, 2021.

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 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: December 14, 2021