

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 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 to extend the target date for completion of this investigation to February 15, 2022.

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.

SUPPLEMENTARY INFORMATION: 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, 2022, for the parties’ reply submissions. *Id.* at 70531–32.

On December 10, 2021, Zircon moved the Commission to extend the time for filing opening briefs in response to the Commission’s Notice of Review to December 23, 2021, and the time for filing reply briefs to January 7, 2022. On December 15, 2021, Respondents filed a response in opposition to Zircon’s motion. On December 17, 2021, the Commission granted Zircon’s motion. The parties submitted opening briefs in response to the Commission’s Notice of Review of December 23, 2021, and reply briefs on January 7, 2022.

The current target date for the completion of this investigation is February 7, 2022. The Commission has determined to extend that target date to February 15, 2022.

The Commission vote for this determination took place on February 4, 2022.

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: February 4, 2022