

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN ROUTERS, ACCESS POINTS,
CONTROLLERS, NETWORK
MANAGEMENT DEVICES, OTHER
NETWORKING PRODUCTS, AND
HARDWARE AND SOFTWARE
COMPONENTS THEREOF**

Investigation No. 337-TA-1227

**NOTICE OF A COMMISSION DETERMINATION EXTENDING THE DATE FOR
THE COMMISSION'S DECISION ON WHETHER TO REVIEW A FINAL
INITIAL DETERMINATION**

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 date for the Commission's decision on whether to review a final initial determination ("ID") in the above-captioned investigation to May 3, 2022.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., 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: On October 28, 2020, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on a complaint filed by Q3 Networking LLC of Frisco, Texas ("Q3"). 85 FR 68367-68 (Oct. 28, 2020). The complaint alleged a violation of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain routers, access points, controllers, network management devices, other networking products, and hardware and software components thereof by reason of infringement of certain claims of U.S. Patent Nos. 7,609,677; 7,895,305; 8,797,853; and 7,457,627 ("the '627 patent"). The complaint also alleged the existence of a domestic industry. The notice of investigation named as

respondents: CommScope Holding Company, Inc. of Hickory, North Carolina; CommScope, Inc. of Hickory, North Carolina; Arris US Holdings, Inc. of Suwanee, Georgia; Ruckus Wireless, Inc. of Sunnyvale, California; Hewlett Packard Enterprise Co. of Palo Alto, California; Aruba Networks, Inc. of Santa Clara, California; and Netgear, Inc. of San Jose, California (collectively, “Respondents”). *Id.* at 68368. The Commission’s Office of Unfair Import Investigations is not named as a party in this investigation. *Id.*

Subsequently, the Commission permitted complainant to amend the complaint and notice of investigation to correct the corporate name of respondent Aruba Networks, Inc. to respondent Aruba Networks, LLC. Order 15 (Mar. 5, 2021), *unreviewed by* Notice (Mar. 22, 2021). Likewise, the target date for completion of the investigation was extended. Order No. 18 (Mar. 30, 2021), *unreviewed by* Notice (Apr. 15, 2021). The Commission also partially terminated the investigation by withdrawal of the ’627 patent. Order No. 26 (July 1, 2021), *unreviewed by* Notice (Jul. 26, 2021).

On December 7, 2021, the presiding Administrative Law Judge issued a final ID finding no violation of section 337. Complainant Q3 filed a petition for review of various portions of the ID. *See* Complainant’s Petition for Commission Review of Final Initial Determination (Dec. 20, 2021). In addition, Respondents filed a contingent petition for review of various portions of the ID. *See* Contingent Petition of Respondents (Dec. 20, 2021). Both Respondents and Complainant filed replies in response to the petition for review and the contingent petition for review, respectively. *See* Respondents’ Reply to Complainant’s Petition for Commission Review (Dec. 28, 2021); Complainant Q3 Networking LLC’s Response to Respondents’ Contingent Petition for Review (Dec. 28, 2021).

The Commission has determined to extend the date for determining whether to review the final ID to May 3, 2022.

The Commission vote for this determination took place on April 22, 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 part 210.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: April 22, 2022