

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**

Inv. No. 337-TA-1227

NOTICE OF INSTITUTION OF INVESTIGATION

Institution of investigation pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on September 22, 2020, under section 337 of the Tariff Act of 1930, as amended, on behalf of Q3 Networking LLC of Frisco, Texas. A supplement was filed on October 8, 2020. The complaint alleges violations 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 routers, access points, controllers, network management devices, other networking products, and hardware and software components thereof by reason of infringement of certain U.S. Patent No. 7,457,627 (“the ’627 patent”); Patent No. 7,609,677 (“the ’677 patent”); U.S. Patent No. 7,895,305 (“the ’305 patent”); and U.S. Patent No. 8,797,853 (“the ’853 patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of Docket Services, U.S. International Trade Commission, telephone (202) 205-1802.

SUPPLEMENTARY INFORMATION:

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10 (2019).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on October 22, 2020, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) 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 products identified in paragraph (2) by reason of infringement of one or more of claims 1-3 and 8 of the '627 patent; claims 1-6 and 8 of the '677 patent; claims 1-3, 5, 6, 8, 9, and 11-14 of the '305 patent; and claims 1-9 of the '853 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "Wi-Fi networking products, routers, satellites, extenders, Wi-Fi systems, mesh networks, mesh systems, gateways, modems, access points, controllers, network management devices, storage systems, switches, bridges, wireless services modules, wireless subscriber units, base stations, adapters, other networking products, and their related software/applications";

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Q3 Networking LLC
5570 FM 423, Suite 250-2026
Frisco, TX 75034

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

CommScope Holding Company, Inc.
1100 CommScope Place, SE
Hickory, NC 28602

CommScope, Inc.

1100 CommScope Place, SE
Hickory, NC 28602

Arris US Holdings, Inc.
3871 Lakefield Drive
Suwanee, GA 30024

Ruckus Wireless, Inc.
350 West Java Drive
Sunnyvale, CA 94089

Hewlett Packard Enterprise Co.
3000 Hanover Street
Palo Alto, CA 94304

Aruba Networks, Inc.
3333 Scott Boulevard
Santa Clara, CA 95054

Netgear, Inc.
350 East Plumeria Drive
San Jose, CA 95134

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not be named as a party to this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.13. Pursuant to 19 C.F.R. 201.16(e) and 210.13(a), as amended in 85 Fed. Reg. 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the

complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: October 23, 2020