

**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 NOT TO REVIEW AN  
INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO U.S.  
PATENT NO. 7,457,627**

**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. 26) of the presiding administrative law judge (“ALJ”) granting complainant’s motion for partial termination of the investigation by withdrawal of U.S. Patent No. 7,457,627 (“the ’627 patent”).

**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](mailto: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 (“section 337”), based on a complaint filed by Q3 Networking LLC of Frisco, Texas (“Q3”). 85 FR 68367-68 (Oct. 28, 2020). The complaint alleges 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 (“the ’677 patent”); 7,895,305 (“the ’305

patent”); 8,797,853 (“the ’853 patent”); and the ’627 patent. The complaint also alleges the existence of a domestic industry. The notice of investigation names 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), *not reviewed* by Notice (Mar. 22, 2021).

On May 19, 2021, pursuant to 19 C.F.R. § 210.21(a), complainant Q3 filed a motion for partial termination of the investigation by withdrawal of the ’627 patent. Mot. at 1. The motion states that respondents do not oppose the pending motion. *Id.* No response was filed.

On July 1, 2021, the ALJ issued the subject ID (Order No. 26) granting the motion. The ID notes that pursuant to Commission Rule 210.21(a)(1) (19 CFR 210.21(a)), Q3 states that “there are no agreements, written or oral, express or implied, between the parties concerning the subject matter of this Investigation.” ID at 2 (citing Mot. at 4). The ID finds that there are no extraordinary circumstances that warrant denying the motion. *Id.*

The ID notes that Q3 continues to assert the following patent claims:

- the ’677 patent: claims 1-6;
- the ’305 patent: claims 1-3, 5-6, 8-9, and 11-14; and
- the ’853 patent: claims 1-9.

*Id.* (citing Mot. at 4).

No party petitioned for review of the ID.

The Commission has determined not to review the subject ID. The investigation is terminated as to the ’627 patent.

The Commission vote for this determination took place on July 26, 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 part 210.

By order of the Commission.



Lisa R. Barton  
Secretary to the Commission

Issued: July 26, 2021