

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

In the Matter of

**CERTAIN MACHINE VISION
SOFTWARE, MACHINE VISION
SYSTEMS, AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-680

**NOTICE OF COMMISSION DECISION TO EXTEND THE DEADLINE FOR
DETERMINING WHETHER TO REVIEW A FINAL INITIAL DETERMINATION
FINDING NO VIOLATION OF SECTION 337**

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 deadline for determining whether to review a final initial determination (“ID”) of the presiding administrative law judge (“ALJ”) finding no violation of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the above-captioned investigation by eight (8) days to September 24, 2010.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.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: The Commission instituted this investigation on July 16, 2009 based on a complaint filed on May 28, 2009, by Cognex Corporation of Natick, Massachusetts and Cognex Technology & Investment Corporation of Mountain View, California (collectively “complainants”). 74 *Fed. Reg.* 34589-90 (July 16, 2009). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and the sale within the United States

after importation of certain machine vision software, machine vision systems, or products containing same by reason of infringement of certain claims of U.S. Patent Nos. 7,016,539 (“the ‘539 patent”); 7,065,262 (“the ‘262 patent”); and 6,959,112 (“the ‘112 patent”). The complaint further alleged that an industry in the United States exists as required by subsection (a)(2) of section 337. The complaint named numerous respondents and some have been terminated from the investigation based on settlement agreement and/or consent order, or partial withdrawal of the complaint.

On April 9, 2010, the Commission issued notice of its decision not to review an ID terminating the investigation as to the ‘112 patent on the basis of partial withdrawal of the complaint.

On July 16, 2010, the ALJ issued his final ID finding no violation of section 337 by the remaining respondents. He concluded that each accused product did not infringe any asserted claim of the ‘539 or ‘262 patents. Also, he found that claims 1, 12, 13, 28, and 29 of the ‘262 patent are anticipated under 35 U.S.C. § 102. Further, he found that all asserted claims of both patents are invalid, pursuant to 35 U.S.C. § 101, for failure to claim patent-eligible subject matter. On August 2, 2010, complainants, the remaining respondents, and the Commission investigative attorney each filed a petition for review of the final ID. Each party filed responses to the other parties’ petitions on August 10, 2010.

The Commission has determined to extend the deadline for determining whether to review the final ID by eight (8) days to September 24, 2010.

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 section 210.42(h) of the Commission’s Rules of Practice and Procedure, 19 C.F.R. § 210.42(h).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: September 16, 2010