

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN RADIO FREQUENCY
IDENTIFICATION (“RFID”) PRODUCTS
AND COMPONENTS THEREOF**

Inv. No. 337-TA-979

INITIAL DETERMINATION: NOTICE

Administrative Law Judge MaryJoan McNamara


(June 22, 2017)

On this date in this Investigation, the Administrative Law Judge issued the Final Initial Determination (“ID”) on the question of violation of Section 337 of the Tariff Act, as amended, 19 U.S.C. § 1337. A public version of the ID will be available within 30 days.

As is explained in the ID, the Administrative Law Judge determined that asserted claims 13, 14 and 25 of U.S. Patent No. 8,325,044 (the “’044 patent”) and the asserted claims 1, 2 and 4 of U.S. Patent No. 8,587,436 (the “’436 patent”) are invalid for lack of a written description pursuant to 35 U.S.C. § 112. It is also a finding of the ID that the ’044 and ’436 patents are invalid due to anticipation under 35 U.S.C. § 102, and obviousness under 35 U.S.C. § 103. Because the ’044 and ’436 patents have been found to be invalid, it is a finding of the ID that Respondents are not liable for infringement of the asserted claims.

Therefore, no violation of Section 337 has occurred in the importation into the United States, the sale for importation, or the sale within the United States after importation, of certain radio frequency identification (“RFID”) products and components thereof.

SO ORDERED.


MaryJoan McNamara
Administrative Law Judge