

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN POWERED COVER PLATES

Inv. No. 337-TA-1124

NOTICE OF ISSUANCE OF INITIAL DETERMINATION ON VIOLATION OF SECTION 337 WITH A RECOMMENDATION ON REMEDY AND BOND

Administrative Law Judge MaryJoan McNamara

(August 12, 2019)

I have issued today in this Investigation the Final Initial Determination (“ID”) on Violation of Section 337 of the Tariff Act, as amended, 19 U.S.C. § 1337 (“Section 337”), with a recommendation on remedy and bond.

I have found that Complainant SnapRays, LLC d/b/a SnapPower has proven by a preponderance of evidence that the Respondents, identified below, have each violated subsection (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 powered cover plates.

I have found that Respondents Enstant Technology Co., Ltd. (“Enstant”) and Vistek Technology Co., Ltd. (“Vistek”), and certain Defaulting Respondents Zhejiang New-Epoch Communication Industry Co., Ltd. (“NEPCI”) and Manufacturers Components Incorporated (“MCI”), have each infringed asserted claims 1, 4, 14, 21 and 23 of U.S. Patent No. 9,882,361 (“the 361 patent”). Enstant and Vistek were unable to overcome the presumption of validity of these claims.

I have found that Defaulting Respondents Dazone LLC (“Dazone”) and Desteny Store

(“Desteny”) have each infringed asserted claims 1, 4, 13, 17 and 19 of U.S. Patent No. 9,871,324 (“the ’324 patent”). Desteny has also infringed claims 8 and 9, while Dazone has also infringed claim 10 of the ’324 patent. The ’324 patent is presumed to be valid.

I have found that Defaulting Respondent Dazone has infringed claims 1, 2, 3, 17, 18 and 19 of U.S. Patent No. 9,917,430 (“the ’430 patent”). The ’430 patent is presumed to be valid.

I have found that Defaulting Respondents Desteny and NEPCI have each infringed the sole claim of U.S. Patent No. D819,426 (“the Design Patent”). The Design Patent is presumed to be valid.

I have found that one or more of SnapPower’s domestic industry products have satisfied the technical industry prong of the domestic industry requirement with respect to the ’324, ’361 and ’430 patents. I also have found that SnapPower has satisfied the economic prong of the domestic industry requirement under Section 337(a)(3)(A), (a)(3)(B), and (a)(3)(C). 19 U.S.C. § 1337 (a)(3)(A), (a)(3)(B), and (a)(3)(C).

I have recommended the issuance of a General Exclusion Order (“GEO”) against the Defaulting Respondents’ infringing products. I have recommended a Limited Exclusion Order (“LEO”) against Enstant’s and Vistek’s infringing products, and against the Defaulting Respondents if the Commission rejects the issuance of GEO against the Defaulting Respondents. I have recommended that Cease and Desist Orders (“CDO”) issue against all of the Respondents identified above. Finally, I have recommended that a 100% Bond enter during the Presidential Review Period.

SO ORDERED.

MaryJoan McNamara
Administrative Law Judge