

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN MICROFLUIDIC DEVICES

Investigation No. 337-TA-1068

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION (ORDER NO. 29) PARTIALLY TERMINATING THE
INVESTIGATION AS TO CERTAIN PATENT CLAIMS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined not to review an initial determination (“ID”) (Order No. 29) partially terminating the investigation as to certain patent claims.

FOR FURTHER INFORMATION CONTACT: Ron Traud, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-3427. 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 SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission’s Electronic Docket Information System (“EDIS”) (<https://edis.usitc.gov>). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: On September 6, 2017, the Commission instituted this investigation based on a complaint filed by Bio-Rad Laboratories, Inc. of Hercules, CA; and Lawrence Livermore National Security, LLC of Livermore, CA (collectively, “complainants”). 82 FR 42115. The complaint (and supplement thereto) alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”) based upon the importation into the United States, the sale for importation, or the sale within the United States after importation of certain microfluidic devices by reason of infringement of one or more of claims 1-12 and 14-16 of U.S. Patent No. 9,500,664 (“the ’664 patent”); claims 1-15 of U.S. Patent No. 9,089,844 (“the ’844 patent”); claims 1-21 of U.S. Patent No. 9,636,682 (“the ’682 patent”); claims 1-27 of U.S. Patent No. 9,649,635 (“the ’635 patent”); and claims 1, 2, 4-8, and 14-21 of U.S. Patent No. 9,126,160 (“the ’160 patent”). *Id.* The Commission’s Notice of Investigation named as the sole

respondent 10X Genomics, Inc. of Pleasanton, CA. *Id.* The Office of Unfair Import Investigations was also named as a party to this investigation. *Id.*

On March 6, 2018, the investigation terminated as to claims 14-17 of the '160 patent; claim 3 of the '664 patent; claims 2, 8, 11, and 14-15 of the '844 patent; claims 2-3 of the '682 patent; and claims 2-4, 9-10, 15, 22, and 27 of the '635 patent. *See* Order No. 12, *unreviewed*, Notice of Commission Determination Not to Review an Initial Determination (Order No. 12) Partially Terminating the Investigation as to Certain Patent Claims (March 6, 2018). On March 26, 2018, the investigation terminated as to claims 1 and 18 of the '160 patent; claims 6, 7, 9, and 13 of the '844 patent; claims 4 and 13 of the '682 patent; and claims 5 and 17 of the '635 patent. *See* Order No. 16, *unreviewed*, Notice of Commission Determination Not to Review an ID (Order No. 16) Partially Terminating the Investigation as to Certain Patent Claims (March 26, 2018). On April 16, 2018, the investigation terminated as to claims 2, 6, 7, and 19 of the '160 patent; claims 5-7, 10, and 12 of the '664 patent; claims 1, 3-5, 10, and 12 of the '844 patent; claims 5-6, 8, 10-12, 15, and 20-21 of the '682 patent; and claims 6-8, 11-12, 18-20, and 23-26 of the '635 patent. *See* Order No. 19, *unreviewed*, Notice of Commission Determination Not to Review an Initial Determination (Order No. 19) Partially Terminating the Investigation as to U.S. Patent No. 9,089,844 and Other Asserted Patent Claims (Apr. 16, 2018).

On May 10, 2018, the presiding administrative law judge issued Order No. 29, the subject ID, which grants the complainants' unopposed motion to terminate the investigation as to claims 4, 5, 8, and 21 of the '160 patent; claims 4, 8, 9, 11, and 16 of the '664 patent; and claims 1, 7, 9, 18, and 19 of the '682 patent. The ID finds that complainant's motion complies with Commission rule 210.21(a), 19 C.F.R § 210.21(a). No party filed a petition seeking review of the subject ID. The Commission has determined not to review the ID.

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: June 1, 2018