

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

**In the Matter of**

**CERTAIN MOVABLE BARRIER  
OPERATION SYSTEMS AND  
COMPONENTS THEREOF**

Investigation No. 337-TA-1118

**NOTICE OF A COMMISSION DETERMINATION TO EXTEND TARGET DATE**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined to extend the target date for completion of the above-captioned investigation to May 18, 2020.

**FOR FURTHER INFORMATION CONTACT:** Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2382. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket system (“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, telephone (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** On June 11, 2018, the Commission instituted the present investigation based on a complaint and supplement thereto filed by The Chamberlain Group, Inc. (“CGI”) of Oak Brook, Illinois. 83 FR 27020-21 (June 11, 2018). The complaint, as supplemented, alleges a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“Section 337”), in the importation, sale for importation, or sale in the United States after importation of certain movable barrier operator systems that purportedly infringe one or more of the asserted claims of the ’404 patent, the ’223 patent, and the ’052 patent. *Id.* The Commission’s notice of investigation named Nortek Security & Control, LLC of Carlsbad, CA; Nortek, Inc. of Providence, RI; and GTO Access Systems, LLC of Tallahassee, FL (collectively, “Nortek”) as respondents. 83 FR at 270721. The Office of Unfair Import Investigations was not named as a party to this investigation. *See id.*

On December 12, 2018, CGI filed a motion for summary determination that it has satisfied the economic prong of the domestic industry requirement. On June 6, 2019, the presiding administrative law judge (“ALJ”) issued a notice advising the parties that the motion would be granted and a formal written order would be issued later. Order No. 26 (June 6, 2019). The ALJ held an evidentiary hearing on the remaining issues on June 10-14, 2019.

On November 20, 2019, the ALJ issued Order No. 37, making a “preliminary monetary sanctions award” to Nortek to compensate for travel and deposition-related expenses, court recording fees, and attorney preparation time resulting from CGI’s allegedly late production of documents.

On November 25, 2019, the ALJ issued the two subject IDs. The first ID (Order No. 38) grants CGI’s motion for summary determination that CGI has satisfied the economic prong of the domestic industry requirement. The second is the final ID, which finds no violation of Section 337 because: (i) Nortek has not infringed asserted claim 11 of the ’404 patent; (ii) Nortek has not infringed asserted claims 1 or 21 of the ’223 patent and CGI does not satisfy the technical prong of the domestic industry requirement with respect to that patent; and (iii) although certain accused products satisfy asserted claim 1 of the ’052 patent, that claim is invalid. ID at 1, 286-87. In the event the Commission finds a violation, the ALJ recommends that the Commission issue a limited exclusion order and cease and desist orders against Nortek and impose a bond of 100 percent of the entered value of covered articles during the period of Presidential review. *Id.* at 277-86.

The parties filed their respective petitions (or contingent petition) to review Order No. 38 on December 4, 2019, and their respective petitions to review the final ID on December 9, 2019. On February 19, 2020, the Commission issued a notice of its determination to review Order No. 38 and the final ID in part, and asked the parties further briefing on certain violation issues and remedy, the public interest, and bonding. 85 FR 10723-26 (Feb. 25, 2020). The parties submitted their initial briefs in response to the Commission’s notice on March 4, 2020, and their reply briefs on March 11, 2020.

On March 27, 2020, CGI filed a “request” to remand Order No. 37, the “preliminary monetary sanctions award,” to the ALJ for a final ruling. Nortek filed its opposition to CGI’s request on April 1, 2020.

The Commission has determined to extend the target date for completion of this investigation to May 18, 2020.

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: April 20, 2020