

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN HIGH-DENSITY FIBER OPTIC
EQUIPMENT AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1194

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION WITH
RESPECT TO CERTAIN ASSERTED PATENT CLAIMS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 19) of the presiding administrative law judge (“ALJ”), granting complainant’s unopposed motion for partial termination of the investigation with respect to claims 1 and 10 of U.S. Patent No. 10,120,153 (“the ’153 patent”) and claim 14 of U.S. Patent No. 8,712,206 (“the ’206 patent”).

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, D.C. 20436, telephone 202-205-2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email 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 on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on March 24, 2020, based on a complaint filed on behalf of Corning Optical Communications LLC (“Corning”) of Charlotte, North Carolina. 85 FR 16653 (Mar. 24, 2020). The complaint, as supplemented, alleges 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, or the sale within the United States after importation of certain high-density fiber optic equipment and components thereof by reason of infringement of certain claims of the ’153 patent, the ’206 patent, and U.S. Patent Nos. 9,020,320; 10,094,996; and 10,444,456. *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission’s notice of investigation named thirteen respondents. *Id.* The notice of investigation also names the Office of Unfair Import Investigations as a party. *Id.* at 16654.

On September 16, 2020, Corning filed an unopposed motion to withdraw its allegations of infringement with respect to claims 1 and 10 of the '153 patent and claim 14 of the '206 patent. On October 2, 2020, the ALJ issued the subject ID granting the motion. The ALJ found that the requirements of Commission Rule 210.21(a)(1) have been met and that no extraordinary circumstances prevent granting the motion. No petitions for review were filed.

The Commission has determined not to review the subject ID. Accordingly, this investigation is terminated with respect to claims 1 and 10 of the '153 patent and claim 14 of the '206 patent.

The Commission vote for this determination took place on October 27, 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: October 27, 2020