

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 AS TO
RESPONDENT AFL TELECOMMUNICATIONS LLC BASED ON A SETTLEMENT**

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. 27) of the presiding administrative law judge (“ALJ”), granting a joint motion to terminate the investigation as to respondent AFL Telecommunications LLC (“AFL”) based upon a settlement.

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 U.S. Patent Nos. 10,120,153; 8,712,206; 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 including AFL Telecommunications Holdings LLC (“AFL Holdings”) of Duncan, South Carolina. *Id.* at 16653-54. The notice of investigation also names the Office of Unfair Import Investigations (“OUII”) as a party. *Id.* at 16654.

On June 19, 2020, the ALJ issued an ID (Order No. 9) granting an unopposed motion to amend the complaint and notice of investigation to add proposed respondent AFL and to terminate respondent AFL Holdings. 85 FR 44923 (July 24, 2020).

On September 25, 2020, Corning and AFL filed a joint motion to terminate the investigation with respect to AFL based upon a patent license agreement. *See* Order No. 27 at 1 (Oct. 20, 2020). OUII filed a response in support of the motion. *Id.* No other response was filed. *Id.*

On Oct. 20, 2020, the ALJ issued the subject ID (Order No. 27), granting the joint motion pursuant to Commission Rule 210.21(b), 19 CFR 210.21(b). *Id.* at 3. The ALJ found that the motion to terminate complies with the Commission's rules, and there is no evidence that terminating this investigation by settlement would be contrary to the public interest. *Id.* at 1-3. No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID. Respondent AFL is hereby terminated from the investigation.

The Commission vote for this determination took place on November 2, 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: November 2, 2020