UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of **CERTAIN RADIOTHERAPY SYSTEMS AND TREATMENT PLANNING SOFTWARE, AND COMPONENTS THEREOF**	**Investigation No. 337-TA-968**

NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL DETERMINATION EXTENDING THE TARGET DATE FOR THE COMPLETION OF THIS INVESTIGATION

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 extending the target date for the completion of this investigation from March 16, 2017, to July 31, 2017.

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 at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's electronic docket ("EDIS") at *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: The Commission instituted this investigation on October 30, 2015, based on a complaint filed by Varian Medical Systems, Inc. of Palo Alto, California; and Varian Medical Systems International AG of ZG, Switzerland (collectively, "Varian"). 80 FR 66934 (Oct. 30, 2015). The complaint 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 radiotherapy systems and treatment planning software, and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 7,945,021 ("the '021 patent"); 8,116,430 ("the '430 patent"); 8,867,703 ("the '703 patent"); 7,880,154 ("the '154 patent"); 7,906,770 ("the '770 patent"); and 8,696,538 ("the '538 patent"). *Id.* The notice of investigation named as respondents Elekta AB of Stockholm, Sweden; Elekta Ltd. of Crawley, United Kingdom; Elekta GmbH of Hamburg,

Germany; Elekta Inc. of Atlanta, Georgia; IMPAC Medical Systems, Inc. of Sunnyvale, California; Elekta Instrument (Shanghai) Limited of Shanghai, China; and Elekta Beijing Medical Systems Co. Ltd. of Beijing, China (collectively, "Elekta"). The Office of Unfair Import Investigations ("OUII") also was named as a party to the investigation. *Id.*

On October 27, 2016, the administrative law judge ("the ALJ") issued the final initial determination ("the final ID"), which found a violation as to some asserted patents and no violation as to other asserted patents. *See* 82 FR 7856 (Jan. 23, 2017). The Commission determined to review the final ID in part, and on review, to affirm in part, vacate in part, and remand certain issues to the ALJ. *See id.* The Commission also determined to maintain certain issues under review. *See id.* Regarding remand, the Commission instructed the ALJ to extend the target date for the completion of this investigation to accommodate the remand. Accordingly on February 3, 2017, the ALJ issued an initial determination ("the subject ID") extending the target from March 16, 2017, to July 31, 2017. The subject ID also stated that an initial determination as to the remanded issues will issue on March 31, 2017. No petitions for review were filed.

The Commission has determined not to review the subject 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: February 28, 2017