

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN PASSIVE OPTICAL NETWORK
EQUIPMENT**

Inv. No. 337-TA-1384


**NOTICE OF INITIAL DETERMINATION ON VIOLATION OF SECTION 337 AND
RECOMMENDED DETERMINATION ON REMEDY AND BOND**

(December 19, 2024)

Per the notice of investigation, 88 Fed. Reg. 90200 (Dec. 29, 2023), I issued the final initial determination today. 19 C.F.R. §§ 210.10(b), 210.42(a)(1)(i). As detailed there, I have determined that a violation of section 337 of the Tariff Act of 1930, as amended, has not occurred in the importation into the United States and the sale within the United States after importation of certain passive optical network equipment, by reason of patent infringement. The final initial determination concludes:

1. The Commission lacks statutory authority with respect to this investigation because Optimum is not the owner or exclusive licensee of the asserted patents.
2. The importation requirement has not been satisfied.
3. Claims 1 and 12–14 of the '511 patent have not been shown to be infringed.
4. Claims 1 and 3 of the '260 patent have not been shown to be infringed.
5. The technical prong of the domestic industry requirement has not been satisfied with respect to the '511 patent.
6. The technical prong of the domestic industry requirement has not been satisfied with respect to the '260 patent.
7. Claims 1 and 12–14 of the '511 patent have not been shown to be invalid.
8. Claims 1 and 3 of the '260 patent have not been shown to be invalid.

9. The economic prong of the domestic industry requirement has not been satisfied with respect to the '511 patent.
10. The economic prong of the domestic industry requirement has not been satisfied with respect to the '260 patent.



Doris Johnson Hines
Administrative Law Judge