

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C. 20436**

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**In the Matter of** )

**CERTAIN INCREMENTAL DENTAL POSITIONING )**  
**ADJUSTMENT APPLIANCES AND METHODS OF )**  
**PRODUCING SAME )**

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**Inv. No. 337-TA-562**

**NOTICE OF COMMISSION DECISION TO EXTEND THE DEADLINE FOR  
DETERMINING WHETHER TO REVIEW AN INITIAL DETERMINATION  
OF THE ADMINISTRATIVE LAW JUDGE**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to extend the deadline for determining whether to review the presiding administrative law judge's ("ALJ's") initial determination ("ID") granting a motion for summary determination striking an affirmative defense of invalidity by 14 days, *i.e.*, from Friday, June 16, 2006, until Friday, June 30, 2006.

**FOR FURTHER INFORMATION CONTACT:** Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3104. The public version of the ALJ's final ID and all other nonconfidential 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, S.W., Washington, D.C. 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://edis.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:** This investigation was instituted on February 15, 2006, based on a complaint filed on behalf of Align Technology, Inc. of Santa Clara, California. 71 *Fed. Reg.* 7995. The complaint asserted a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain incremental dental positioning adjustment appliances by reason of infringement of numerous claims of 12 U.S. patents, *viz.*: claims 1-36, 38, 42-49, and 51-58 of U.S. Patent No. 6,685,469; claim 1 of U.S. Patent No. 6,450,807; claims

1-4 of U.S. Patent No. 6,394,801; claims 21, 22, 24-30, 32-36, 38, and 39 of U.S. Patent No. 6,398,548; claims 1, 2, 4-8, 10, and 12-18 of U.S. Patent No. 6,722,880; claims 1-3, 6-8, and 11 of U.S. Patent No. 6,629,840; claims 1, 2, 9, and 10 of U.S. Patent No. 6,699,037; claims 1-18, 20-23, 25, 26, and 29-38 of U.S. Patent No. 6,318,994; claims 1-22 and 28 of U.S. Patent No. 6,729,876; claims 34-56 and 59-65 of U.S. Patent No. 6,602,070; claims 1-6, 9, and 10 of U.S. Patent No. 6,471,511; and claims 1-13, 15, 16, and 18 of U.S. Patent No. 6,227,850. The complaint also alleged a violation of section 337 by reason of misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure an industry in the United States. The respondents named in the investigation are OrthoClear, Inc. of San Francisco, California; OrthoClear Holdings, Inc. of Tortola, British Virgin Islands, and OrthoClear Pakistan Pvt., Ltd. of Lahore, Pakistan.

On May 16, 2006, the ALJ issued an ID (Order No. 6) in the investigation granting complainant's motion for summary determination striking respondents' affirmative defense of patent invalidity. Respondents filed a petition for review of the ID on May 23, 2006. Complainant filed a response in opposition to the petition on May 31, 2006, and the Commission investigative attorney filed a response in opposition to the petition on June 2, 2006.

The Commission has determined to extend the deadline for determining whether to review the subject ID by 14 days, *i.e.*, from Friday, June 16, 2006, until Friday, June 30, 2006.

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 section 210.42 (h) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42 (h)).

By order of the Commission.

Marilyn R. Abbott  
Secretary to the Commission

Issued: June 12, 2006