

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN UV CURABLE COATINGS
FOR OPTICAL FIBERS, COATED
OPTICAL FIBERS, AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-1031

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANTS' UNOPPOSED MOTION TO
TERMINATE THIS INVESTIGATION WITH RESPECT TO ONE PATENT CLAIM**

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 (“ID”) (Order No. 12) granting complainants’ unopposed motion to terminate this investigation with respect to one patent claim.

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: On December 5, 2016, the Commission instituted this investigation based on a complaint filed by DSM Desotech, Inc. of Elgin, IL; and DSM IP Assets B.V. of Heerlen, Netherlands (collectively, “DSM”). 81 FR 87588-89 (Dec. 5, 2016). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, or the sale within the United States after importation of certain UV curable coatings for optical fibers, coated optical fibers, and products containing same by reason of infringement of one or more of claims 1-8, 10-15, and 18-22 of U.S. Patent No. 6,961,508 (“the ‘508 patent”); claims 1-10 and 13-15 of U.S. Patent No. 7,171,103 (“the ‘103 patent”); claims 2-4, 9, 11-12, and 15 of U.S.

Patent No. 7,067,564 (“the ‘564 patent”); and claims 1-3, 9, 12, 16-18, 21, and 30 of U.S. Patent No. 7,706,659 (“the ‘659 patent”). *Id.* The Commission’s Notice of Investigation named as respondents Momentive UV Coatings (Shanghai) Co., Ltd. of Shanghai, China; and OFS Fitel, LLC of Norcross, Georgia (collectively, “Respondents”). *Id.* The Office of Unfair Import Investigations (“OUII”) was also named as a party to this investigation. *Id.*

On April 13, 2017, the administrative law judge (“ALJ”) issued Order No. 12, the subject ID, which granted DSM’s unopposed motion to terminate this investigation with respect to claim 10 of the ‘508 patent. The ALJ found “no extraordinary circumstances that would justify denying [DSM’s] motion.” Order 12 at 2. No petitions for review of the subject ID 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.

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: May 11, 2017