

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

**In the Matter of**

**CERTAIN DENTAL CERAMICS, PRODUCTS  
THEREOF, AND METHODS OF MAKING THE  
SAME**

**Investigation No. 337-TA-1050**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN  
INITIAL DETERMINATION TERMINATING THE  
INVESTIGATION AS TO CERTAIN  
ASSERTED PATENT CLAIMS**

**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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 24) which granted in part a motion to terminate the investigation as to certain asserted patent claims, in the above-captioned investigation.

**FOR FURTHER INFORMATION CONTACT:** Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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, S.W., Washington, D.C. 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 TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on April 25, 2017, based on a complaint, as supplemented, filed by Ivoclar Vivadent AG of Schaan, Liechtenstein; Ivoclar Vivadent, Inc. of Amherst, New York; and Ardent, Inc. of Amherst, New York (collectively "Ivoclar"). 82 FR 19081 (Apr. 25, 2017). The complaint, as supplemented, alleged 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 dental ceramics, products thereof, and methods of making the same by reason of the infringement of certain claims of four United States patents: U.S. Patent No.

7,452,836 (“the ’836 patent”); U.S. Patent No. 6,517,623 (“the ’623 patent”); U.S. Patent No. 6,802,894 (“the ’894 patent”); and U.S. Patent No. 6,455,451 (“the ’451 patent”). The notice of investigation named as respondents GC Corporation of Tokyo, Japan; and GC America, Inc. of Alsip, Illinois (collectively, “GC”). The Office of Unfair Import Investigations was also named as a party.

The investigation was previously terminated as to certain asserted patent claims, including the one asserted patent claim (claim 27) of the ’623 patent, based upon withdrawal of the complaint. Order No. 18 (Nov. 21, 2017), not reviewed, Notice (Dec. 6, 2017).

On December 18, 2017, Ivoclar filed an unopposed motion to terminate the investigation as to certain additional patent claims: claim 12 of the ’836 patent; claim 12 of the ’894 patent; and claims 3 and 30 of the ’451 patent.

On December 19, 2017, the ALJ issued the subject ID. The ID grants the motion and finds that the motion complies with Commission rules that no extraordinary circumstances exist to prevent granting the motion. ID at 2. As a result of Order Nos. 18 and 24, the following patent claims remain asserted in the investigation: claims 1, 2, 4, 5, 7, 10, 13, and 15-19 of the ’836 patent; claims 1, 2, 4, 16, 21, 23, 38, and 39 of the ’894 patent; and claims 4 and 61 of the ’451 patent.

No petitions for review of the ID were filed. The Commission has determined not to review the 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 C.F.R. Part 210).

By order of the Commission.



Lisa R. Barton  
Secretary to the Commission

Issued: January 18, 2018