

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

In the Matter of

**CERTAIN X-RAY BREAST IMAGING  
DEVICES AND COMPONENTS  
THEREOF**

**Investigation No. 337-TA-1063**

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW-IN-PART AN INITIAL  
DETERMINATION GRANTING COMPLAINANT’S MOTION TO DECLASSIFY  
PORTIONS OF THE PUBLIC VERSION OF THE FINAL INITIAL DETERMINATION,  
AND ON REVIEW, TO MODIFY THE INITIAL DETERMINATION**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review-in-part the initial determination (“ID”) (Order No. 33) of the presiding Administrative Law Judge (“ALJ”) granting complainant’s motion to declassify portions of the public version of the final initial determination. On review the Commission has determined to modify the ID to make certain corrections.

**FOR FURTHER INFORMATION CONTACT:** Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436, telephone (202) 205-2737. 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’s TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on August 1, 2017, based on a complaint and supplement, filed on behalf of Hologic, Inc. of Marlborough, Massachusetts (“Hologic” or “complainant”). 82 FR 35823-24 (Aug. 1, 2017) (“Notice of Investigation”). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain x-ray breast

imaging devices and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 7,831,296 (“the ‘296 patent”); 8,452,379 (“the ‘379 patent”); 7,688,940 (“the ‘940 patent”); 7,986,765 (“the ‘765 patent”); and 7,123,684 (“the ‘684 patent”). The complaint further alleges that an industry in the United States exists as required by section 337. The Notice of Investigation named FUJIFILM Corporation of Tokyo, Japan; FUJIFILM Medical Systems USA, Inc. of Stamford, Connecticut; and FUJIFILM Techno Products Co., Ltd. of Hanamaki-Shi Iwate, Japan (collectively, “Fujifilm”) as respondents. The Office of Unfair Import Investigations (“OUII”) was named as a party to the investigation.

On January 18, 2018, the ‘765 patent was terminated in its entirety from the investigation. *See* Order No. 18 (Jan. 18, 2018) (unreviewed). On February 27, 2018, claims 6-10 of the ‘379 patent were terminated from the investigation. *See* Order No. 21 (Feb. 27, 2018) (unreviewed).

On July 26, 2018, the ALJ issued the final ID and found a violation of section 337 has occurred. On October 24, 2018, the Commission determined to review the final ID in part and extend the target date for completion of the investigation. 83 FR 54608 (Oct. 30, 2018).

On September 20, 2018, complainant moved for declassification of portions of the public version of the final ID. On September 27, 2018, Fujifilm filed a response opposing the motion. On the same day OUII filed a response supporting the motion. On November 2, 2018, the ALJ issued an ID (Order No. 33) granting the motion. No petitions for review of the ID were filed.

Having examined the ID and the record, the Commission determined to review in part the ID to correct a parenthetical and a typographical error. Specifically, the Commission determined to review the first incomplete paragraph on page 9 of the ID, and on review (a) modify the parenthetical reference to the holding of the Commission’s April 19, 2017 declassification opinion in *Certain Network Devices, Related Software and Components Thereof*, Inv. No. 337-TA-944, to read “holding that (1) legal conclusions that do not include information meeting the definition of confidential business information (“CBI”) under Commission Rule 201.6 are not CBI and (2) information available to the public is not within the definition of CBI” and (b) replace “Order No. 83 at 2 (Nov. 30, 1999)” with “Order No. 83 at 4 (June 21, 2000)”.

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: December 4, 2018