

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN COLOR INTRAORAL SCANNERS
AND RELATED HARDWARE AND
SOFTWARE**

Investigation No. 337-TA-1091

**NOTICE OF THE COMMISSION’S DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION EXTENDING THE TARGET DATE**

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. 39) extending the target date to July 1, 2019, in view of the shutdown of the Federal Government.

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., 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 December 20, 2017, based on a complaint, as amended and supplemented, filed on behalf of Align Technology, Inc. of San Jose, California. 82 FR 60418 (Dec. 20, 2017). The complaint, as amended and supplemented, alleges violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“section 337”), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain color intraoral scanners and related hardware and software by reason of infringement of certain claims of U.S. Patent No. 8,363,228, U.S. Patent No. 8,451,456, U.S. Patent No. 8,675,207, U.S. Patent

No. 9,101,433, U.S. Patent No. 6,948,931, and U.S. Patent No. 6,685,470. The notice of investigation named 3Shape A/S of Copenhagen, Denmark and 3Shape, Inc. of Warren, New Jersey as respondents. The Office of Unfair Import Investigations was not named as a party in this investigation.

On January 29, 2019, the ALJ issued an ID extending the target date for completion of the investigation due to the shutdown of the Federal Government until July 1, 2019. No petitions for review 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.

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: February 13, 2019