

**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 A COMMISSION DETERMINATION TO EXTEND THE DATE FOR  
DETERMINING WHETHER TO REVIEW THE FINAL INITIAL DETERMINATION  
AND EXTEND THE TARGET DATE FOR COMPLETION OF THE INVESTIGATION**

**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 date for determining whether to review the final initial determination (“ID”) until July 18, 2019 and extend the target date for completion of the investigation until October 8, 2019.

**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, SW, Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) 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:** 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. *Id.* The Office of Unfair Import Investigations was not named as a party in this investigation.

On March 1, 2019, the administrative law judge (“ALJ”) issued the final initial determination in this investigation. The ALJ found that no violation of section 337 has occurred.

The Commission has determined to extend the date for determining whether to review the final initial determination until July 18, 2019 and to extend the target date for completion of this investigation until October 8, 2019.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.50 of the Commission’s Rules of Practice and Procedure (19 CFR 201.10, 210.50).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton  
Secretary to the Commission

Issued: May 2, 2019