

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN SUBSEA
TELECOMMUNICATIONS SYSTEMS
AND COMPONENTS THEREOF**

Investigation No. 337-TA-1098

**NOTICE OF COMMISSION DETERMINATION GRANTING A REQUEST
FOR JUDICIAL ENFORCEMENT OF SUBPOENAS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to grant a request by the presiding administrative law judge for judicial enforcement of certain subpoenas issued in this investigation and has authorized its Office of the General Counsel to seek such enforcement.

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 (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's Electronic Docket Information System ("EDIS") (<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: The Commission instituted this investigation on January 26, 2018, based on a complaint, as amended and supplemented, filed on behalf of Xtera Topco Ltd. of the United Kingdom; Neptune Subsea IP Ltd. of the United Kingdom; and Xtera, Inc. of Allen, Texas (the "complainants"). 83 FR 3370 (Jan. 26, 2018). The complaint, as 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 subsea telecommunication systems and components thereof by reason of infringement of one or more of U.S. Patent No. 8,380,068; U.S. Patent No. 7,860,403; U.S. Patent No. 8,971,171; U.S. Patent No. 8,351,798; and U.S. Patent No. 8,406,637. The complaint further alleges that an industry in the United

States exists as required by section 337. The Notice of Investigation named various respondents. The Office of Unfair Import Investigations was named as a party in this investigation.

On April 17, 2018, the administrative law judge (“ALJ”) issued, at the complainants’ request, a subpoena *duces tecum* and a subpoena *ad testificandum* to non-party Acacia Communications, Inc. (“Acacia”), a manufacturer of components of the products accused of infringement by the complainants. On August 14, 2018, the complainants moved for certification to the Commission of a request for judicial enforcement of the subpoena *duces tecum*, as narrowed by an August 8, 2018, email from counsel for the complainants to counsel for Acacia, and the subpoena *ad testificandum*. On August, 21 2018, ALJ granted the complainants’ motion (Order No. 28) and certified a request to the Commission for judicial enforcement of the narrowed subpoena *duces tecum* and the subpoena *ad testificandum*. The Commission has granted the ALJ’s request and has authorized its Office of the General Counsel to seek judicial enforcement of the subpoenas.

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 Commission Rule of Practice and Procedure 210.32(g), 19 CFR 210.32(g).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: September 27, 2018