

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

**In the Matter of**

**CERTAIN MULTI-DOMAIN TEST AND  
MEASUREMENT INSTRUMENTS**

**Investigation No. 337-TA-1104**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL  
DETERMINATION TERMINATING THE INVESTIGATION  
AS TO CERTAIN ACCUSED PRODUCTS ON THE BASIS OF  
CONSENT ORDER STIPULATIONS AND PROPOSED  
CONSENT ORDERS; ISSUANCE OF CONSENT ORDERS**

**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. 12), which terminated the investigation as to certain accused products on the basis of respondents' consent order stipulations and proposed consent orders. The Commission has issued three consent orders.

**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 March 16, 2018, based on a complaint filed by Tektronix, Inc. of Beaverton, Oregon ("Tektronix"). 83 *Fed. Reg.* 11790 (Mar. 16, 2018). The complaint 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, or in the sale for importation, or the sale within the United States after importation of certain multi-domain test and measurement instruments, by reason of the infringement of certain claims of U.S. Patent No. 8,521,460 and U.S. Patent No. 8,675,719. *Id.* The notice of

investigation named three respondents: Rohde & Schwartz GmbH & Co. KG of Munich, Germany; Rohde & Schwartz Vertriebs GmbH of Munich, Germany; and Rohde & Schwartz USA, Inc. of Columbia, Maryland (collectively, “R&S”). *Id.* at 11791.

On May 30, 2018, R&S moved to terminate the investigation as to certain accused products on the basis of a consent order stipulation and proposed consent order for each of the three respondents. On June 12, 2018, Tektronix opposed the motion. On July 13, 2018, the ALJ granted the motion in the subject ID (Order No. 12). The ID finds that Tektronix’s arguments in opposition to the motion are unpersuasive. Order No. 12 at 3. The ID further finds that the Commission has, in the past, allowed a respondent to narrow the scope of an investigation as to it on the basis of a consent order. *Id.* at 3-4 n.1. The ID also finds that the motion, consent order stipulations, and proposed consent orders, comply with Commission rules. *Id.* at 3-4. *See* 19 U.S.C. §§ 210.21(c), 210.50(b)(2). The ID finds that there is no evidence that granting the motion would have an adverse effect on the public interest. *Id.* at 4.

No petitions for review of the ID were filed. The Commission has determined not to review the ID and has issued the consent orders. The investigation will continue as to R&S’s other accused products.

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: August 10, 2018