

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN SUBMARINE
TELECOMMUNICATION SYSTEMS
AND COMPONENTS**

Inv. No. 337-TA-1113

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING AN UNOPPOSED MOTION TO TERMINATE THE
INVESTIGATION WITH RESPECT TO CERTAIN CLAIMS**

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 an initial determination (“ID”) (Order No. 13) of the presiding administrative law judge (“ALJ”) granting an unopposed motion to terminate claims 7-12, 15-16, 17, and 18 of U.S. Patent 8,244,131 (“the ’131 patent”).

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 <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 May 23, 2018, based on a complaint filed on behalf of NEC Corporation of Tokyo, Japan and NEC Corporation of America of Irving, Texas (“complainants”). 83 FR 23936-37 (May 23, 2018). The complaint alleges violations of 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 submarine telecommunication systems and components thereof by reason of infringement of certain claims of the ’131 patent. The Notice of Investigation named Xtera, Inc. of Allen, Texas; MC Assembly, LLC of Melbourne, Florida; and MC Test Services, Inc. of Melbourne, Florida as respondents. The Office of Unfair Import Investigations (“OUII”) was named as a party.

On October 12, 2018, complainants filed a motion to withdraw claims 7-12, 15-16, 17, and 18 of the '131 patent from the investigation. OUII and respondents did not oppose the motion.

On October 16, 2018, the ALJ issued an order (Order No. 13) granting complainants' motion. The ALJ found that no extraordinary circumstances prevent the partial termination of the investigation. 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 CFR part 210).

By order of the Commission.

Lisa R. Barton
Secretary to the Commission

Issued: