

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MOVABLE BARRIER
OPERATOR SYSTEMS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1118

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING CERTAIN PATENT CLAIMS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined not to review an initial determination (“ID”) (Order No. 16) partially terminating the investigation by withdrawing certain patent claims.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202-205-2382. 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: On June 11, 2018, the Commission instituted this investigation based on a complaint and supplement thereto filed by The Chamberlain Group, Inc. (“Chamberlain”) of San Jose, CA. 83 FR 27020 (June 11, 2018). The complaint alleged a violation of 19 U.S.C. 1337, as amended (“Section 337”), in the importation, sale for importation, or sale in the United States after importation of certain movable barrier operator systems and components that infringe one or more of the asserted claims of U.S. Patent Nos. 8,587,404 (“the ’404 patent”), 7,755,223 (“the ’223 patent”), and 6,741,052 (“the ’052 patent”). *Id.* The Commission’s notice of investigation named Nortek Security & Control, LLC of Carlsbad, CA; Nortek, Inc. of Providence, RI; and GTO Access Systems, LLC of Tallahassee, FL (collectively “Nortek”) as respondents. *Id.* The Office of Unfair Import Investigations was not named as a party to this investigation.

On July 19, 2018, the Commission determined not to review an initial determination (Order No. 2) from the presiding administrative law judge (“ALJ”) setting the target date for completion of this investigation for November 12, 2019.

On January 31, 2019, Chamberlain filed a motion for partial termination of the investigation based on withdrawal of claims 17 and 18 of the ’404 patent, claims 2, 13, 18, 19, and 22 of the ’223 patent, and claims 9-13 and 15 of the ’052 patent. No response to the motion was filed.

On February 5, 2019, the ALJ issued the subject ID (Order No. 16), in which she found no extraordinary circumstance to warrant denial of Chamberlain’s motion, and accordingly granted it. No party filed a petition for review of the subject ID.

The Commission has determined not to review the subject 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.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized and cursive.

Lisa R. Barton
Secretary to the Commission

Issued: March 6, 2019