

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 A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION (ORDER NO. 32) PARTIALLY TERMINATING THE
INVESTIGATION BY WITHDRAWING 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. 32) granting a motion to partially terminate the above-referenced 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 alleges 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 that purportedly 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.

The Commission has granted previous motions by Chamberlain to withdraw certain claims, which collectively include claims 7 and 16-18 of the '404 patent; claims 9-13, 15, and 27 of the '052 patent; and claims 2, 13, 18-20, and 22 of the '223 patent. *See* Order No. 16 (Feb. 5, 2019); *not rev'd*, Comm'n Notice (March 6, 2019); Order No. 27 (June 7, 2019); *not rev'd*, Comm'n Notice (June 27, 2019); Order No. 31 (July 30, 2019), *not rev'd*, Comm'n Notice (Aug. 19, 2019).

On May 29, 2019, Chamberlain filed a motion for partial termination of the investigation by withdrawing four patent claims, specifically, claims 9 and 14 of the '223 patent and claims 14 and 22 of the '052 patent, pursuant to 19 CFR 210.21(a)(1). No party filed a response to the motion.

On September 27, 2019, the presiding administrative law judge ("ALJ") issued the subject ID (Order No. 32), granting Chamberlain's motion to terminate the investigation in part by withdrawing claims 9 and 14 of the '223 patent and claims 14 and 22 of the '052 patent. The ALJ found no extraordinary circumstances that would justify denying Chamberlain's motion. The ALJ further noted that Chamberlain has complied with the requirements of 19 CFR 210.21(a)(1) by stating that there are no other agreements, written or oral, express or implied, between the parties concerning the subject matter of the investigation. *See* Order No. 32 at 2. No party filed a petition to review 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.



Lisa R. Barton
Secretary to the Commission

Issued: October 17, 2019