

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

**In the Matter of**

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

**Investigation No. 337-TA-1118**

**NOTICE OF A COMMISSION DETERMINATION TO EXTEND THE DEADLINE  
FOR DETERMINING WHETHER TO REVIEW AN INITIAL DETERMINATION  
(ORDER NO. 38) GRANTING COMPLAINANT'S MOTION FOR SUMMARY  
DETERMINATION THAT IT HAS SATISFIED THE ECONOMIC PRONG OF THE  
DOMESTIC INDUSTRY REQUIREMENT**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (the "Commission") has determined to extend the deadline for determining whether to review an initial determination ("ID") (Order No. 38) granting complainant's motion for summary determination that it has satisfied the economic prong of the domestic industry requirement to January 24, 2020.

**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 the present 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, as supplemented, 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 Chamberlain's 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. *See id.*

The Commission has partially terminated the investigation with respect to certain asserted patent claims withdrawn by Chamberlain. *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); Order No. 32 (Sept. 27, 2019), *not rev’d*, Comm’n Notice (Oct. 17, 2019). As a result, the remaining asserted claims are claim 11 of the ’404 patent, claims 1 and 21 of the ’223 patent, and claim 1 of the ’052 patent.

On December 12, 2018, Chamberlain filed a motion for summary determination that it has satisfied the economic prong of the domestic industry requirement. Nortek filed a response opposing the motion on February 11, 2019. The presiding administrative law judge (“ALJ”) held a teleconference with the parties on May 31, 2019. On June 6, 2019, the ALJ issued a notice advising the parties that the motion would be granted and that a formal written order would be issued later. Order No. 26 (June 6, 2019).

On November 25, 2019, the ALJ issued the subject ID (Order No. 38), pursuant to Commission Rule 210.42(c) (19 CFR 210.42(c)), granting Chamberlain’s motion for summary determination that it has satisfied the economic prong of the domestic industry requirement. On the same date, the ALJ issued the final Initial Determination on Violation of Section 337 and Recommended Determination on Remedy and Bond (“final ID”).

The Commission has determined to extend the deadline for determining whether to review the subject ID (Order No. 38) to January 24, 2020, to coincide with the present deadline for determining whether to review the final 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: December 16, 2019