

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN WIRELESS MESH
NETWORKING PRODUCTS AND
RELATED COMPONENTS THEREOF**

Investigation No. 337-TA-1131

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION WITH
RESPECT TO A CERTAIN ASSERTED CLAIM**

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. 31) of the presiding administrative law judge (“ALJ”) granting Complainant’s unopposed motion for partial termination of the investigation with respect to a certain asserted claim.

FOR FURTHER INFORMATION CONTACT: Benjamin S. Richards, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-5453. 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 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’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on September 10, 2018, based on a complaint, as supplemented, filed by SIPCO LLC of Ashburn, Virginia (“Complainant”). *See* 83 FR 45681-82 (Sep. 10, 2018). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wireless mesh networking products and related components thereof by reason of infringement of certain claims of U.S. Patents Nos. 6,914,893; 7,103,511; 8,964,708 (“the ’708 patent”); and 9,439,126. *See id.* The notice of investigation names the following respondents: Emerson Electric Co. of St. Louis, Missouri;

Emerson Process Management LLLP of Bloomington, Minnesota; Emerson Process Management Asia Pacific Private Limited of Singapore; Emerson Process Management Manufacturing (M) Sdn. Bhd. of Nilai, Malaysia; Fisher-Rosemount Systems, Inc. of Round Rock, Texas; Rosemount Inc. of Shakopee, Minnesota; Analog Devices, Inc. of Norwood, Massachusetts; Linear Technology LLC of Milpitas, California; Dust Networks, Inc. of Union City, California; Tadiran Batteries Inc. of Lake Success, New York; and Tadiran Batteries Ltd. of Kiryat Ekron, Israel. *See id.* The Office of Unfair Import Investigations is not a party to this investigation. *See id.*

On August 26, 2019, Complainant moved to partially terminate this investigation based on the withdrawal of its allegations of infringement with respect to claim 5 of the '708 patent ("the subject claim"). Complainant's motion is unopposed.

On August 28, 2019, the ALJ issued the subject ID granting Complainant's motion and terminating the investigation with respect to the subject claim. In accordance with Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), Complainant represented that "there are no agreements, written or oral, express or implied between the parties concerning the subject matter of this investigation." *See ID at 1.* The ALJ also found "no evidence of extraordinary circumstances preventing the termination of [the subject claim]," and that "partial termination is in the public interest and will conserve public and private resources." *See id. at 2.* No petitions for review were filed.

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 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: September 19, 2019