

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

**In the Matter of**

**CERTAIN RELOAD CARTRIDGES FOR  
LAPAROSCOPIC SURGICAL  
STAPLERS**

**Investigation No. 337-TA-1167**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW  
AN INITIAL DETERMINATION SETTING A SEVENTEEN-MONTH TARGET DATE**

**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. 5) of the presiding administrative law judge (“ALJ”) setting a seventeen-month target date for completion of the above-captioned investigation.

**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:** On July 5, 2019, by publication in the *Federal Register*, the Commission instituted this investigation based on a complaint filed by Ethicon LLC of Guaynabo, PR; Ethicon Endo-surgery, Inc. of Cincinnati, Ohio; and Ethicon US, LLC of Cincinnati, Ohio. 84 FR 32220 (July 5, 2019). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain reload cartridges for laparoscopic surgical staplers by reason of infringement of one or more claims of U.S. Patent Nos. 9,844,379; 9,844,369; 7,490,749; 8,479,969; and 9,113,874. *Id.* The Commission’s notice of investigation names the following as respondents: Intuitive Surgical Inc., of Sunnyvale, CA; Intuitive Surgical Operations, Inc., of Sunnyvale, CA; and

Intuitive Surgical Holdings, LLC, of Mexicali, Mexico. *Id.* The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

On July 24, 2019, the ALJ issued the subject ID setting a 17-month target date of December 7, 2020, for completion of the investigation. The ID notes that the ALJ's schedule and responsibilities in other investigations require setting a longer target date in this investigation. With a 17-month target date, the final ID is due no later than August 7, 2020.

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton  
Secretary to the Commission

Issued: August 13, 2019