

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN ELECTRONIC STUD
FINDERS, METAL DETECTORS, AND
ELECTRICAL SCANNERS**

Investigation No. 337-TA-1221

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

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. 15) issued by the presiding administrative law judge (“ALJ”) regarding the termination of the investigation with respect to certain claims.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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 October 5, 2020, the Commission instituted this investigation based on a complaint filed on behalf of Zircon Corporation of Campbell, California (“Zircon”). 85 FR 62758-59 (Oct. 5, 2020). The complaint alleged 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 electronic stud finders, metal detectors, and electrical scanners by reason of infringement of one or more of claims 1-20 of U.S. Patent No. 6,989,662 (“the ’662 patent”); claims 1-14 of U.S. Patent No. 7,148,703 (“the ’703 patent”); claims 1, 2, 5, 9-11, 13-15, and 17-24 of U.S. Patent No. 8,604,771 (“the ’771 patent”); and claims 1-11 and 13-22 of U.S. Patent No. 9,475,185 (“the ’185 patent”). *Id.* at 62759. The Commission’s notice of investigation named as respondents Stanley Black & Decker, Inc. of New Britain, Connecticut, and Black & Decker (U.S.), Inc. of Towson, Maryland. *Id.* The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

On March 15, 2021, Zircon filed an unopposed motion to terminate the investigation by reason of a partial withdrawal of the complaint with respect to claims 3-5, 10, 11, 14, and 18 of the '662 patent; claims 6 and 7 of the '703 patent; claims 2-4, 11, 12, 17-21, and 24 of the '771 patent; and claim 19 of the '185 patent. Although the motion purports to seek the termination of the investigation with respect to claims 3, 4, and 12 of the '771 patent, the Commission did not institute an investigation with respect to those claims. No responses to the motion were received.

On March 16, 2021, the ALJ issued the subject ID, granting the motion and terminating the investigation with respect to those claims. No party petitioned for review of the subject ID.

The Commission has determined not to review the subject ID. Claims 3-5, 10, 11, 14, and 18 of the '662 patent; claims 6 and 7 of the '703 patent; claims 2, 11, 17-21, and 24 of the '771 patent; and claim 19 of the '185 patent are hereby terminated from this investigation. The Commission notes that claims 3, 4, and 12 of the '771 patent were never a part of this investigation, so the purported termination of the investigation with respect to those claims has no legal effect.

The Commission vote for this determination took place on April 1, 2021.

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: April 1, 2021