

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

**In the Matter of**  
**CERTAIN PASSIVE OPTICAL NETWORK**  
**EQUIPMENT**

**Investigation No. 337-TA-1384**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW**  
**AN INITIAL DETERMINATION FINDING ALL RESPONDENTS IN DEFAULT**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 12) issued by the presiding administrative law judge (“ALJ”) finding all respondents named in the investigation in default for failing to respond to the complaint, the notice of investigation, and the show cause order.

**FOR FURTHER INFORMATION CONTACT:** Namo Kim, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3459. 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](mailto: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 on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on December 29, 2023, based on a complaint filed by Optimum Communications Services, Inc. of Jersey City, New Jersey (“Optimum”). 88 FR 90200-01 (Dec. 29, 2023). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based upon the importation into the United States, the sale for importation, and the sale in the United States after importation of certain passive optical network equipment by reason of the infringement of certain claims of U.S. Patent Nos. 7,558,260 and 7,333,511. *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission’s notice of investigation (“NOI”) names the following respondents: (i) Hangzhou Softel Optic Co., Ltd. of Hangzhou, China; (ii) Hangzhou DAYTAI Network Technologies Co., Ltd. of Hangzhou, China; and (iii) Hangzhou Sumlo Industrial Co., Ltd. of Hangzhou, China (collectively, “Defaulting Respondents”). *Id.* at 90201. The Office of Unfair Import Investigations (“OUII”) is also a party to this investigation. *Id.*

On February 29, 2024, Optimum moved for an order to show cause why the Defaulting Respondents should not be found in default for their failure to respond to the complaint and the notice of investigation. The motion specifies that the complaint and NOI were properly served on each of the Defaulting Respondents and that the Defaulting Respondents failed to file responses to the complaint and NOI. On March 11, 2024, OUII filed a response in support of the motion to show cause. On March 12, 2024, Optimum filed a supplement to its motion to show cause with a statement that it is seeking a general exclusion order in this investigation.

On March 15, 2024, the presiding ALJ issued an order (Order No. 9) directing the Defaulting Respondents to show cause no later than April 1, 2024, why they should not be held in default. No responses to the show cause order were filed.

On April 10, 2024, the presiding ALJ issued the subject ID (Order No. 12) pursuant to Commission Rule 210.16 (19 CFR 210.16), finding the Defaulting Respondents in default. The ID notes that service of the show cause order was properly effected on each of the Defaulting Respondents.

No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID (Order No. 12). All three Defaulting Respondents in the investigation are hereby found in default.

The Commission vote for this determination took place on May 9, 2024.

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: May 9, 2024