

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN COAXIAL CABLE CONNECTORS
AND COMPONENTS THEREOF AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-650

**REQUEST FOR COMMENTS FOLLOWING A REMAND FROM THE UNITED
STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission is requesting comments from the parties as to how to proceed in the above-captioned investigation following a remand from the United States Court of Appeals for the Federal Circuit (“Federal Circuit”) in *John Mezzalingua Associates v. Int’l Trade Comm’n*, 2011 U.S. App. LEXIS 8806 (Fed. Cir. Apr. 28, 2011).

FOR FURTHER INFORMATION CONTACT: Daniel E. Valencia, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-1999. 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, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://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 May 30, 2008 based on a complaint filed by John Mezzalingua Associates, Inc. d/b/a PPC, Inc. of East Syracuse, New York (“PPC”). 73 *Fed. Reg.* 31145 (May 30, 2008). The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain coaxial cable connectors and components thereof and products containing the same by reason of infringement of various United States Patents, including U.S. Patent No. 5,470,257 (“the ‘257 patent’”). The complaint named eight respondents. After institution, two respondents were terminated based on consent orders and four respondents were found to be in default

(“defaulting respondents”). Two respondents, Fu-Ching Technical Industry, Co., Ltd. and Gem Electronics, Inc. (“the active respondents”), remained active.

On October 13, 2009, the presiding administrative law judge issued a final initial determination (“ID”) and a recommended determination on remedy and bonding (“RD”). The Commission determined to review the final ID in part.

On March 31, 2010, the Commission found no violation of section 337 for the ‘257 patent. The Commission found infringement of the ‘257 patent by several defaulting respondents and no infringement by the active respondents. The Commission nevertheless found no violation of section 337 because it found no domestic industry for the ‘257 patent. Having found no violation, the Commission did not make a remedy determination for the ‘257 patent.

Complainant PPC appealed to the Federal Circuit. In *John Mezzalingua Associates v. International Trade Commission*, 2011 U.S. App. LEXIS 8806 (Fed. Cir. Apr. 28, 2011), the Federal Circuit reversed the Commission’s finding of no violation and remanded to the Commission for proceedings consistent with its opinion. The Federal Circuit’s mandate issued on June 30, 2011.

WRITTEN SUBMISSIONS: The parties to this investigation are requested to comment on how the Commission should proceed and, in particular, whether it is appropriate for the Commission to proceed with its remedy determination for the ‘257 patent based on the RD and remedy submissions received previously in the underlying investigation.

Submissions are limited to five (5) pages and should reference prior remedy submissions and the RD to the extent they are relevant. The deadline for submissions is **August 1, 2011**.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Any person desiring to submit a document to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 C.F.R. § 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

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 C.F.R. Part 210).

By order of the Commission.

/s/
James R. Holbein
Secretary to the Commission

Issued: July 18, 2011