

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

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

Investigation No. 337-TA-938

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING-IN-PART RESPONDENT'S MOTION FOR PARTIAL
SUMMARY DETERMINATION OF NON-INFRINGEMENT**

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. 9) of the presiding administrative law judge ("ALJ") granting-in-part respondent's motion for summary determination that certain products, the so-called new C3 coaxial cable connector designs ("new C3 Designs"), do not infringe the asserted claims of United States Patent No. 8,801,448 ("the '448 patent").

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3042. 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 Inv. No. 337-TA-938 on December 10, 2014, based on a complaint filed by PPC Broadband, Inc. of East Syracuse, New York ("PPC"). 79 *Fed. Reg.* 73336-37 (Dec. 10, 2014). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (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 several claims of the '448 patent. The notice of investigation named Corning Optical Communications RF, LLC of Glendale, Arizona (Corning) as respondent. The Office of Unfair Import Investigations is a party to this investigation.

On July 31, 2015, Corning moved for summary determination of non-infringement as to the new C3 designs. On August 12, 2015, PPC filed an opposition to the motion. That same day, the Commission investigative attorney (“IA”) filed a response in support of the motion in part, but opposed the breadth of potential products included within the scope of Corning’s motion. *See* IA Brief at 9-10. No other responses were received.

The ALJ issued the subject ID, Order No. 9, on August 21, 2015. The ALJ found that while Corning produced evidence of non-infringement for the new C3 designs, PPC produced no evidence of infringement. Because there was no evidence in dispute, the ALJ granted Corning’s motion. In response to the IA’s concerns, the ALJ set forth the specific products that the Order applies to. *See* ID at 5 n.2. None of the parties petitioned for review of the ID.

The Commission has determined not to review the 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 C.F.R. Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is fluid and cursive, with a large initial "L" and "B".

Lisa R. Barton
Secretary to the Commission

Issued: September 18, 2015