

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN MICROFLUIDIC DEVICES

Inv. No. 337-TA-1068

**NOTICE: ISSUANCE OF INITIAL DETERMINATION
ON VIOLATION OF SECTION 337**

Administrative Law Judge MaryJoan McNamara

(September 20, 2018)

I have issued today in this Investigation the Final Initial Determination (“ID”) on Violation of Section 337 of the Tariff Act, as amended, 19 U.S.C. § 1337 (“Section 337”).

I have found that Complainants, Bio-Rad Laboratories, Inc. and Lawrence Livermore National Security, LLC (collectively, “Complainants”) have proven by a preponderance of evidence that Respondent 10X Genomics, Inc. (“Respondent”) has violated subsection (b) of Section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain microfluidic devices.

I have found that because Respondent has infringed: asserted claims 1, 2, 14 and 15 of U.S. Patent No. 9,500,664 (“the ’664 patent”); asserted claims 14, 16 and 17 of U.S. Patent No. 9,636,682 (“the ’682 patent”); and asserted claims 1, 13, 14, 16 and 21 of U.S. Patent No. 9,649,635 (“the ’635 patent”), and all are valid claims and patents, Respondent has violated Section 337 with respect to the identified patents.


I have found that Respondent has not infringed asserted claim 20 of U.S. Patent No. 9,126,160 (“the ’160 patent”), and therefore, has not violated Section 337 with respect to this patent.

I have found that one or more of Complainants' domestic industry products have satisfied the technical industry prong of the domestic industry requirement for the '160, '664, '682 and '635 patents.

I have found that Complainants have satisfied the economic prong of the domestic industry requirement under Section 337(a)(3)(A), (B) and (C).

A recommendation on remedy and bond will be forthcoming together with findings of fact and an analysis of the effects of the public interest factors on the issue of remedy pursuant to 19 C.F.R § 210.42(a)(1)(ii)(A), (B) and (C).

SO ORDERED.



MaryJoan McNamara
Administrative Law Judge