

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN UV CURABLE COATINGS
FOR OPTICAL FIBERS, COATED
OPTICAL FIBERS, AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-1031

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION WITHDRAWING FROM THE COMPLAINT CERTAIN
ALLEGATIONS REGARDING U.S. PATENT NO. 7,067,564**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“the Commission”) has determined not to review an initial determination (“ID”), contained in Order No. 50, withdrawing from the complaint certain allegations regarding U.S. Patent No. 7,067,564.

FOR FURTHER INFORMATION CONTACT: Ron Traud, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-205-3427. 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 SW., Washington, DC 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (“EDIS”) at <https://edis.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 December 5, 2016, the Commission instituted this investigation based on a complaint filed by DSM Desotech, Inc. of Elgin, IL; and DSM IP Assets B.V. of Heerlen, Netherlands (collectively, “DSM”). 81 FR 87588-89 (Dec. 5, 2016). The complaint alleges 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, or the sale within the United States after importation of certain UV curable coatings for optical fibers, coated optical fibers, and products containing same by reason of infringement of one or more of claims 1-8, 10-15, and 18-22 of U.S. Patent No. 6,961,508; claims 1-10 and 13-15 of U.S. Patent No. 7,171,103; claims 2-4, 9, 11-12, and 15 of U.S. Patent No. 7,067,564 (“the ‘564 patent”); and claims 1-3, 9, 12, 16-18, 21, and 30 of U.S. Patent No. 7,706,659. *Id.* The Commission’s

Notice of Investigation named as respondents Momentive UV Coatings (Shanghai) Co., Ltd. of Shanghai, China; and OFS Fitel, LLC of Norcross, Georgia (collectively, “Respondents”). *Id.* The Office of Unfair Import Investigations was also named as a party to this investigation. *Id.*

On August 25, 2017, the administrative law judge issued Order No. 50, which granted in part and denied in part DSM’s motion to withdraw all allegations in the complaint with respect to all asserted claims of the ‘564 patent. Order No. 50 grants the motion to the extent that it allows the withdrawal of the allegations concerning infringement of the ‘564 patent by products that were not previously adjudicated by the Commission. This part of Order No. 50 constitutes the subject ID. No petitions for review of the subject ID were filed. The Commission has determined not to review the subject 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 CFR part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: September 15, 2017