

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

In the Matter of

**CERTAIN SUBSEA TELECOMMUNICATION
SYSTEMS AND COMPONENTS THEREOF**

Investigation No. 337-TA-1098

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING A MOTION FOR PARTIAL
TERMINATION OF THE INVESTIGATION BASED ON WITHDRAWAL OF
CERTAIN CLAIMS**

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. 52) of the presiding administrative law judge (“ALJ”), granting complainant’s unopposed motion to withdraw certain claims from the investigation.

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2737. 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 <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 on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 26, 2018, based on a complaint, as supplemented, filed on behalf of Neptune Subsea Acquisitions Ltd. of the United Kingdom; Neptune Subsea IP Ltd. of the United Kingdom; and Xtera, Inc. of Allen, Texas (“complainants”). 83 FR 3370 (Jan. 26, 2018). 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 within the United States after importation of certain subsea

telecommunication systems and components thereof by reason of infringement of one or more of U.S. Patent No. 8,380,068; U.S. Patent No. 7,860,403 (“the ’403 patent”); U.S. Patent No. 8,971,171 (“the ’171 patent”); U.S. Patent No. 8,351,798; and U.S. Patent No. 8,406,637. The complaint further alleges that an industry in the United States exists as required by section 337. The notice of investigation named numerous respondents. The Office of Unfair Import Investigations was named as a party in this investigation.

On December 3, 2018, the complainants filed an unopposed motion for partial termination of the investigation based on the withdrawal of certain claims. Specifically, complainants moved to withdraw claims 1 and 5 of the ’171 patent and claims 1, 2 and 6 of the ’403 patent. Complainants represented that there are no agreements, written or oral, express or implied, between the parties concerning the subject matter of the investigation.

On December 6, 2018, the ALJ issued the subject ID, granting complainants’ unopposed motion. The ALJ found no extraordinary circumstances exist that would prevent the requested partial termination of the investigation. No petitions for review were filed.

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 CFR Part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: December 21, 2018