

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MICROFLUIDIC SYSTEMS
AND COMPONENTS THEREOF AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-1100

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING-IN-PART THE COMPLAINANT'S MOTION FOR
SUMMARY DETERMINATION WITH RESPECT TO THE RESPONDENT'S
INVENTORSHIP AND OWNERSHIP AFFIRMATIVE DEFENSES**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission ("Commission") has determined not to review a February 21, 2019 summary determination ("ID") (Order No. 34) granting-in-part the complainant's motion for summary determination with respect to the respondent's inventorship and ownership affirmative defenses.

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 February 21, 2018, the Commission instituted this investigation based on a complaint filed by 10X Genomics, Inc. of Pleasanton, CA ("10X"). 83 FR 7491 (Feb. 21, 2018). 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, and the sale within the United States after importation of certain microfluidic systems and components thereof and products containing same by reason of infringement of one or more claims of U.S. Patent No. 9,644,204 ("the '204 patent"); U.S. Patent No. 9,689,024 ("the '024 patent"); U.S. Patent No. 9,695,468 ("the '468 patent"); and U.S. Patent No. 9,856,530 ("the '530 patent"). *Id.* The Commission's notice of investigation named as the sole respondent

Bio-Rad Laboratories, Inc. of Hercules, CA (“Bio-Rad”). *Id.* The Office of Unfair Import Investigations (“OUII”) is participating in this investigation. *Id.*

This investigation has previously terminated as to certain claims of the ’024, ’204, ’468, and ’530 patents. Order No. 26, *unreviewed* (Dec. 21, 2018); Order No. 27, *unreviewed* (Dec. 21, 2018).

On November 16, 2018, 10X filed a motion for summary determination with respect to Bio-Rad’s affirmative defenses based on ownership and improper inventorship of the asserted patents. On November 28, 2018, Bio-Rad filed a response in opposition to the motion and OUII filed a response supporting the motion in part and opposing the motion in part.

On February 21, 2019, the presiding administrative law judge issued Order No. 34, the subject ID, which grants the motion in part, terminating Bio-Rad’s inventorship and ownership defenses as to a consultant who was not named as a co-inventor on the asserted patents. No party 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 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: March 13, 2019