

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

**In the Matter of**

**CERTAIN MOVABLE BARRIER  
OPERATOR SYSTEMS AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-1118**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION (ORDER NO. 35) EXTENDING THE TARGET DATE FOR  
COMPLETION OF THE INVESTIGATION**

**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”) (Order No. 35) extending the target date for completion of this investigation by 27 business days to March 25, 2020, and the due date for issuance of the final ID to November 25, 2019.

**FOR FURTHER INFORMATION CONTACT:** Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2382. 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 (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission’s Electronic Docket Information System (“EDIS”) (<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 June 11, 2018, the Commission instituted this investigation based on a complaint and supplement thereto filed by The Chamberlain Group, Inc. (“Chamberlain”) of San Jose, CA. 83 FR 27020 (June 11, 2018). The complaint alleges a violation of 19 U.S.C. 1337, as amended (“Section 337”), in the importation, sale for importation, or sale in the United States after importation of certain movable barrier operator systems that purportedly infringe one or more of the asserted claims of U.S. Patent Nos. 8,587,404 (“the ’404 patent”); 7,755,223 (“the ’223 patent”); and 6,741,052 (“the ’052 patent”). *Id.* The Commission’s notice of investigation named Nortek Security & Control, LLC of Carlsbad, CA; Nortek, Inc. of Providence, RI; and GTO Access Systems, LLC of Tallahassee, FL (collectively “Nortek”) as respondents. *Id.* The Office of Unfair Import Investigations was not named as a party to this investigation.

The Commission has partially terminated the investigation with respect to certain asserted patent claims withdrawn by Chamberlain, which collectively include claims 7 and 16-18 of the '404 patent; claims 9-15, 22, and 27 of the '052 patent; and claims 2, 9, 13, 14, 18-20, and 22 of the '223 patent. *See* Order No 32 (Sept. 27, 2019), *not rev'd*, Comm'n Notice (Oct. 17, 2019); Order No. 16 (Feb. 5, 2019), *not rev'd*, Comm'n Notice (March 6, 2019); Order No. 27 (June 7, 2019), *not rev'd*, Comm'n Notice (June 27, 2019); Order No. 31 (July 30, 2019), *not rev'd*, Comm'n Notice (Aug. 19, 2019). The remaining asserted claims are claim 11 of the '404 patent; claims 1, 21 of the '223 patent; and claim 1 of the '052 patent.

The presiding administrative law judge ("ALJ") held a prehearing conference on June 10, 2019, and an evidentiary hearing from June 11-14, 2019. The parties filed their initial post-hearing briefs on July 11, 2019, and their reply briefs on August 16, 2019. Pursuant to the procedural schedule in effect at that time, the ALJ's final ID was due on October 15, 2019, and the target date for completion of the investigation was February 17, 2020.

On October 11, 2019, the ALJ issued the subject ID (Order No. 35), in which she extended the target date for completion of this investigation by 27 business days to March 25, 2020, and the due date for issuance of her final ID to November 25, 2019. No party filed a petition to review the subject ID.

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.



Lisa R. Barton  
Secretary to the Commission

Issued: November 5, 2019