

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN MOVABLE BARRIER
OPERATOR SYSTEMS AND
COMPONENTS THEREOF

Investigation No. 337-TA-1209

NOTICE OF COMMISSION DECISION TO
EXTEND THE TARGET DATE

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend the target date for completion of the above-captioned investigation until February 8, 2022.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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: On August 10, 2020, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by Overhead Door Corporation of Lewisville, Texas and GMI Holdings Inc. of Mount Hope, Ohio (collectively, “Complainants”). *See* 85 FR 48264-65 (Aug. 10, 2020). The complaint, as supplemented, alleges a violation of 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 movable barrier operator systems and components thereof by reason of infringement of U.S. Patent Nos. 8,970,345; 9,483,935; 7,173,516 (“the ’516 patent”); 7,180,260; 7,956,718; and 8,410,895. *See id.* The notice of investigation names The Chamberlain Group, Inc. of Oak Brook, Illinois (“Respondent”) as the respondent in this investigation. *See id.* The Office of Unfair Import Investigations is not a party to the investigation. *See id.*

On February 10, 2021, the Commission terminated the investigation as to the '516 patent based on the withdrawal of the allegations in the complaint as to that patent. *See* Order No. 10 (Jan. 19, 2021), *unreviewed by Comm'n Notice* (Feb. 10, 2021).

On April 26, 2021, the presiding Administrative Law Judge (“ALJ”) issued an initial determination granting Complainants’ motion for summary determination that the economic prong of the domestic industry requirement is satisfied. *See* Order No. 12 (April 26, 2021), *unreviewed by Comm'n Notice* (May 26, 2021).

On September 14, 2021, the ALJ issued a final initial determination (“FID”) finding a violation of section 337 based on infringement by the Respondent of Complainants’ asserted patents. The FID also includes a recommended determination (“RD”) recommending, should the Commission affirm and find a violation of section 337, that the Commission issue: (1) a limited exclusion order against certain movable barrier operator systems and components thereof that are imported into the United States, sold for importation, and sold within the United States after importation, by the Respondent; and (2) a cease and desist order against the Respondent. The RD also recommends that the Commission set a bond during the period of Presidential review in an amount of 100 percent of the entered value of the movable barrier operator systems imported by or on behalf of the Respondent.

On October 14, 2021, the parties filed statements on the public interest pursuant to Commission Rule 210.50, 19 C.F.R. § 210.50. Between October 20, 2021, and November 3, 2021, members of the public filed written submissions in response to the Federal Register notice requesting public interest comments. *See* 86 FR 56982-83 (Oct. 13, 2021).

On December 6, 2021, the Commission issued a notice determining to review the FID in part (“the WTR Notice”). *See* 86 FR 70527-29 (Dec. 10, 2021). The WTR Notice invited written submissions from the parties on the issues under review, and from the parties, interested government agencies, and any other interested parties on issues of remedy, the public interest, and bonding. *See id.* The WTR notice also included questions directed to the public interest. *See id.*

On December 13, 2021, the parties filed written submissions in response to the WTR Notice, and on December 20, 2020, the parties filed responses to each other’s submissions. On December 13, 2021, members of the public filed written submissions concerning the public interest in response to the WTR Notice.

The Commission has determined to extend the target date for completion of the investigation until February 8, 2022.

The Commission’s vote for this determination took place on February 2, 2022.

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', written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: February 2, 2022