

**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  
(Enforcement)**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL  
DETERMINATION TERMINATING THE ENFORCEMENT PROCEEDING AS TO  
A PATENT BASED ON WITHDRAWAL OF THE ENFORCEMENT COMPLAINT**

**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. 14) of the presiding Administrative Law Judge (“ALJ”) terminating the enforcement proceeding as to U.S. Patent No. 7,956,718 (“the ’718 patent”) based on withdrawal of the enforcement complaint as to that patent.

**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](mailto: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 an 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, alleged 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; 7,173,516; 7,180,260; 9,483,935 (“the ’935 patent”); the ’718 patent; and 8,410,895 (“the ’895 patent”). *See id.* The notice of investigation named Chamberlain of Oak Brook, Illinois (“Chamberlain”) as the respondent in this investigation. *See id.*

On February 9, 2022, the Commission issued a final determination finding a violation of section 337, based on Chamberlain’s infringement of the asserted claims of the ’935, ’718, and ’895 patents. *See* 87 FR 8605-06 (Feb. 15, 2022). The Commission further determined to: (1) issue a limited exclusion order against Chamberlain’s infringing products and a cease and desist order against Chamberlain (collectively, “the remedial orders”); and (2) set a bond during the period of Presidential review in the amount of one hundred (100) percent of the entered value of the infringing articles. *See id.* On March 30, 2022, the Commission issued modified remedial orders to confirm that the covered products or articles in the remedial orders include garage door openers, gate operators, and commercial operators. *See* 87 FR 19709-10 (Apr. 5, 2022).

On August 5, 2022, the Commission instituted an enforcement proceeding under Commission Rule 210.75 (19 CFR 210.75) to investigate alleged violations of the remedial orders by Chamberlain’s legacy and redesigned products. *See* 87 FR 48039 (Aug. 5, 2022). The Office of Unfair Import Investigations (“OUII”) is a party to the enforcement proceeding. *See id.*

On November 18, 2022, Complainants filed an unopposed motion for termination of the enforcement proceeding as to the asserted claims of the ’718 patent based on withdrawal of the enforcement complaint as to that patent. On November 22, 2022, OUII filed a response in support of the motion. No other response to the motion was filed.

On December 1, 2022, the ALJ issued the subject ID (Order No. 14) granting the motion. The ID finds that the motion complies with the Commission Rules. *See* ID at 2. In accordance with Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), Complainants represent that “there are no agreements, written or oral, express or implied, among the parties concerning the subject matter of this Enforcement Proceeding or [Complainants’] Motion for Partial Termination of this Proceeding.” *See id.* In addition, the ID finds “no extraordinary circumstances that warrant denying the motion.” *See id.*

No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID. The ’718 patent is terminated from the enforcement proceeding.

The Commission’s vote on this determination took place on December 21, 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 "Katherine M. Hiner". The signature is written in a cursive, flowing style.

Katherine M. Hiner  
Acting Secretary to the Commission

Issued: December 21, 2022