

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN RADIO FREQUENCY
IDENTIFICATION (“RFID”)
PRODUCTS, COMPONENTS THEREOF,
AND PRODUCTS CONTAINING THE
SAME**

Inv. No. 337-TA-1234

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING CERTAIN CLAIMS OF THE
ASSERTED PATENTS**

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. 16) terminating the investigation as to certain claims of the asserted patents.

FOR FURTHER INFORMATION CONTACT: Amanda P. Fisherow, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2737. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket information system (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, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted the present investigation on December 29, 2020, based on a complaint and supplement thereto filed by Amtech Systems LLC of Albuquerque, New Mexico (“Complainant”). 85 FR 85660-61 (Dec. 29, 2020). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation, sale for importation, and sale in the United States after importation of certain RFID products, components thereof by reason of infringement of certain claims of that allegedly infringe certain claims of U.S. Patent No. 7,518,532; U.S. Patent No. 7,772,977 (“the ’977 patent”); U.S. Patent No. 8,237,565 (“the ’565 patent”); U.S. Patent No. 7,548,153; U.S. Patent No. 8,427,279 (“the ’279 patent”); and U.S. Patent No. 10,083,329 (“the ’329 patent”). *Id.* The complaint further alleged that an industry in the United States exists or is in the process of being established, as required by section 337. *Id.*

The notice of investigation named nine respondents. *Id.* at 855661. The Office of Unfair Import Investigations was named as a party to this investigation. *Id.*

On June 22, 2021, Complainant filed an unopposed motion to terminate claim 3 of the '977 patent; claims 3, 5, and 7 of the '565 patent; claims 25-30 of the '279 patent; and claims 11-15, 17, and 19 from the '329 patent.

On June 23, 2021, the presiding administrative law judge ("ALJ") issued Order No. 16, granting Complainant's motion. The ID finds that the motion complies with the requirements of Commission Rule 210.21(a) (19 CFR 210.21(a)) and there are no extraordinary circumstances that exist that would prevent the requested partial termination of the investigation. No party filed a petition for review of the ID.

The Commission has determined not to review this ID. Accordingly, the following claims are terminated from the investigation: claim 3 of the '977 patent; claims 3, 5, and 7 of the '565 patent; claims 25-30 of the '279 patent; and claims 11-15, 17, and 19 from the '329 patent.

The Commission vote for this determination took place on July 19, 2021.

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: July 19, 2021