

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN POLYCRYSTALLINE
DIAMOND COMPACTS AND
ARTICLES CONTAINING SAME**

Investigation No. 337-TA-1236 (Remand)

**NOTICE OF A COMMISSION REQUEST FOR WRITTEN SUBMISSIONS
PURSUANT TO A COURT REMAND**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to request written submissions following a remand from the U.S. Court of Appeals for the Federal Circuit (“Federal Circuit” or “Court”).

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, D.C. 20436, telephone 202-205-2392. 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: The Commission instituted this investigation on December 29, 2020, based on a complaint filed by US Synthetic Corporation (“USS” or “Complainant”) of Orem, Utah. 85 FR 85661 (Dec. 29, 2020). 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 polycrystalline diamond compacts and articles containing same by reason of infringement of certain claims of U.S. Patent No. 10,507,565 (“the ’565 patent”); U.S. Patent No. 10,508,502 (“the ’502 patent”); U.S. Patent No. 8,616,306 (“the ’306 patent”); U.S. Patent No. 9,932,274 (“the ’274 patent”); and U.S. Patent No. 9,315,881 (“the ’881 patent”). *Id.* The complaint further alleges that an industry in the United States exists as required by section 337. *Id.* The notice of investigation named as respondents: SF Diamond Co., Ltd., and SF Diamond USA, Inc. (collectively, “SF Diamond”); Element Six Abrasives Holdings Ltd., Element Six Global Innovation Centre, Element Six GmbH, Element Six Limited, Element Six Production (Pty) Limited, Element Six Hard Materials (Wuxi) Co. Limited, Element Six Trading

(Shanghai) Co., Element Six Technologies US Corporation, Element Six US Corporation, ServSix US, and Synergy Materials Technology Limited (collectively, “Element Six”); Iljin Diamond Co., Ltd., Iljin Holdings Co., Ltd., Iljin USA Inc., Iljin Europe GmbH, Iljin Japan Co., and Ltd., Iljin China Co., Ltd. (collectively, “Iljin”); Henan Jingrui New Material Technology Co., Ltd. (“Jingrui”); Zhenzhou New Asia Superhard Materials Composite Co., Ltd., and International Diamond Services, Inc. (collectively, “New Asia/IDS”); CR Gems Superabrasives Co., Ltd. (“CR Gems”); FIDC Beijing Fortune International Diamond (“FIDC”); Fujian Wanlong Superhard Material Technology Co., Ltd. (“Wanlong”); Zhuhai Juxin Technology; and Shenzhen Haimingrun Superhard Materials Co., Ltd. (“Haimingrun”). *Id.* at 85662. The Office of Unfair Import Investigations did not participate in the investigation. *Id.*

Respondents Element Six and FIDC were terminated from the investigation before the evidentiary hearing. *See* Order No. 6 (Feb. 1, 2021), *unreviewed by* Comm’n Notice (Feb. 16, 2021); Order No. 10 (Feb. 24, 2021), *unreviewed by* Comm’n Notice (Mar. 15, 2021); and Order No. 16 (Apr. 1, 2021), *unreviewed by* Comm’n Notice (Apr. 15, 2021). On February 8, 2021, Guangdong Juxin Materials Technology Co., Inc. (“Juxin”) was substituted in place of Zhuhai Juxin Technology. *See* Order No. 8 (Feb. 8, 2021), *unreviewed by* Comm’n Notice (Feb. 24, 2021). Thus, the only remaining respondents are Iljin, SF Diamond, New Asia/IDS, Haimingrun, Juxin, CR Gems, Jingrui, and Wanlong (together, “Respondents”).

The ’274 and ’881 patents and certain other asserted patent claims were terminated from the investigation. *See* Order No. 26 (Jul. 14, 2021), *unreviewed by* Comm’n Notice (Aug. 11, 2021); Order No. 32 (Aug. 9, 2021), *unreviewed by* Comm’n Notice (Aug. 20, 2021); and Order No. 57 (Oct. 19, 2021), *unreviewed by* Comm’n Notice (Nov. 4, 2021).

An evidentiary hearing took place during the week of October 18-22, 2021.

On March 3, 2022, the presiding administrative law judge (“ALJ”) issued his final initial determination (“ID”), finding no violation of section 337 by Respondents as to the asserted claims of the ’565, the ’502, and the ’306 patents.

On May 9, 2022, the Commission adopted the final ID’s finding of no violation as to the ’306 patent and reviewed certain findings of the final ID with respect to the ’565 patent and the ’502 patent. 87 FR 29375-377 (May 13, 2022). *Id.*

On October 3, 2022, the Commission issued a final determination affirming with modifications the final ID’s finding that the asserted claims are patent ineligible under 35 U.S.C. 101 and that Respondents failed to prove the asserted claims were not enabled under 35 U.S.C. 112. Having affirmed the ID’s findings that the asserted claims were patent ineligible and/or invalid, the Commission took no position on the economic prong of the domestic industry requirement. Accordingly, the Commission found no violation of section 337 as to the ’565 and the ’502 patents and terminated the investigation.¹

¹ Commissioner Schmidlein dissented from the Majority’s decision to affirm the final ID’s section 101 findings.

USS timely appealed the Commission's patent ineligibility findings with respect to the '502 patent, but not the '565 patent, to the Federal Circuit. Respondents Iljin, SF Diamond, New Asia/IDS, Haimingrun, and Juxin intervened in the appeal and argued in the alternative that the asserted claims of the '502 patent are not enabled under section 112.

On February 13, 2025, the Federal Circuit reversed the Commission's conclusion that the asserted claims of the '502 patent are patent ineligible under section 101 and affirmed the Commission's enablement conclusion. The Court remanded for further proceedings.

Intervenors filed a combined petition for panel rehearing and rehearing en banc, which the Court denied on May 20, 2025. Intervenors also filed a motion to stay the mandate, which was denied on May 29, 2025. The Court issued its formal mandate on May 29, 2025, returning jurisdiction to the Commission for further proceedings.

Pursuant to the Court's remand, the Commission requests written submissions from the parties to address the specific proceedings to be conducted on remand.

WRITTEN SUBMISSIONS: The parties to the investigation are requested to file written submissions regarding what further proceedings must be conducted to comply with the February 13, 2025 judgment of the U.S. Court of Appeals for the Federal Circuit in *U.S. Synthetic Corp. v. Int'l Trade Comm'n*, Appeal No. 2023-1217, 128 F.4th 1272 (Fed. Cir. 2025).

Written submissions must be filed no later than the close of business on **June 13, 2025**. Reply submissions must be filed no later than the close of business on **June 20, 2025**. No further submissions on these issues will be permitted unless ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (Inv. No. 337-TA-**1236 (Remand)**) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary, (202) 205-2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed with the Commission and served on any parties to the investigation within two business days of any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and

Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on June 5, 2025.

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 'LRB', enclosed within a thin black rectangular border.

Lisa R. Barton
Secretary to the Commission

Issued: June 5, 2025