

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

In the Matter of

**CERTAIN NETWORKING DEVICES,
COMPUTERS, AND COMPONENTS
THEREOF AND SYSTEMS
CONTAINING THE SAME**

Investigation No. 337-TA-1298

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANT’S UNOPPOSED MOTION TO
TERMINATE THE INVESTIGATION AS TO CERTAIN PATENT CLAIMS BASED
ON PARTIAL WITHDRAWAL OF THE 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”) granting the complainant’s unopposed motion to terminate the above-captioned investigation as to claims 4, 6, 8, 10-14, 16-18, 23, 25, 27, 25-33, and 35-37 of U.S. Patent No. 8,657,573 (“the ’573 patent”) based on partial withdrawal of the complaint. The indicated claims of the ’573 patent are terminated from the investigation.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3228. 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 February 18, 2022, 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 Proven Networks, LLC of Los Angeles, California (“Proven Networks”). *See* 87 FR 9382 (Feb. 18, 2022). The complaint alleges a violation of section 337 based upon the importation into the United States, sale for importation, or sale after importation into the United States of certain networking devices, computers, and components thereof and systems containing the same by reason of infringement of certain claims of the

'573 patent. *Id.* The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation names NetApp, Inc. of San Jose, California as the only respondent. *Id.* The Office of Unfair Import Investigations is not participating in this investigation.

On June 27, 2022, Proven Networks filed an unopposed motion to terminate the investigation as to claims 4, 6, 8, 10-14, 16-18, 23, 25, 27, 25-33, and 35-37 of the '573 patent.

On June 30, 2022, the ALJ issued the subject ID (Order No. 14) granting Proven Networks' unopposed motion to terminate the investigation as to the indicated claims of the '573 patent. Order No. 14 (June 30, 2022). The subject ID finds that Proven Networks meets the requirements of Commission Rule 210.21(a) (19 CFR 210.21(a)) and there are no extraordinary circumstances that would prevent the requested partial termination of the investigation.

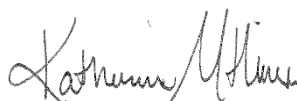
No party petitioned for review of the subject ID.

The Commission has determined not to review the subject ID (Order No. 14). Claims 4, 6, 8, 10-14, 16-18, 23, 25, 27, 25-33, and 35-37 of the '573 patent are terminated from the investigation.

The Commission vote for this determination took place on August 1, 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.



Katherine M. Hiner
Acting Secretary to the Commission

Issued: August 1, 2022