UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of **CERTAIN WI-FI ROUTERS, WI-FI DEVICES, MESH WI-FI NETWORK DEVICES AND COMPONENTS THEREOF**	**Investigation No. 337-TA-1454**

NOTICE OF A COMMISSION DETERMINATION TO REVIEW-IN-PART A FINAL INITIAL DETERMINATION FINDING A VIOLATION; EXTENSION OF THE TARGET DATE FOR COMPLETION OF THE INVESTIGATION; REQUEST FOR WRITTEN SUBMISSIONS ON THE ISSUES UNDER REVIEW AND ON REMEDY, THE PUBLIC INTEREST, AND BONDING

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that the U.S. International Trade Commission ("Commission") has determined to review-in-part a final initial determination ("FID") of the presiding administrative law judge ("ALJ"). The Commission requests briefing from the parties on certain issues under review, as set forth in this notice. The Commission also requests written submissions from the parties, interested government agencies, and other interested persons on the issues of remedy, the public interest, and bonding, under the schedule set forth below. The Commission has also determined to extend the target date for completion of the investigation to January 14, 2027.

FOR FURTHER INFORMATION CONTACT: Jonathan Link, 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 June 23, 2025, based on a complaint filed on behalf of Estelgia, LLC ("Estelgia") of Dover, Delaware. 90 FR 26608-09 (June 23, 2025). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain Wi-Fi routers, Wi-Fi devices, mesh Wi-Fi network devices and components thereof by reason of the infringement of certain claims of U.S. Patent Nos.

7,936,714 ("the '714 patent"); 11,246,016 ("the '016 patent"); 10,735,973 ("the '973 patent"); 10,531,518 ("the '518 patent"); 9,775,164 ("the '164 patent"); and 9,277,591 ("the '591 patent"). The complaint, as supplemented, further alleges that an industry in the United States exists as required by the applicable Federal Statute. The Commission's notice of investigation names seven (7) respondents: Linksys Holdings, Inc. and Linksys USA, Inc. (collectively, "Linksys Respondents") of Irvine, CA; ASUStek Computer Inc. of Taipei City, Taiwan and ASUS Computer International of Fremont, CA (collectively "ASUS"); D-Link Corporation of Taipei, Taiwan and D-Link Systems, Inc. of Irvine, CA (collectively, "D-Link Respondents"); and Plume Design Inc. ("Plume") of Palo Alto, CA. *Id.* at 26609. The Office of Unfair Import Investigations ("OUII") is also named as a party in this investigation.

On December 19, 2025, the Commission terminated the Linksys Respondents from the investigation based on a settlement agreement. *See* Order No. 12 (Nov. 25, 2025), *unreviewed by* Comm'n Notice (Dec. 19, 2025).

On January 29, 2026, the Commission terminated claim 14 of the '714 patent; claims 1-5, 7-17, and 20 the '016 patent; claims 2, 3, 5-7, 10, and 13 of the '973 patent; claims 12 and 13 of the '518 patent; claims 2, 4, 5, 7, 9, 11, 13-15, 17-21, 23, 25, 27, 28, and 30-33 of the '164 patent; and claims 1, 2, 5, 9, 10, 12, and 14-20 of the '591 patent from the investigation based on the withdrawal of allegations by Estelgia. *See* Order No. 17 (Jan. 6, 2026), *unreviewed by* Comm'n Notice (Jan. 29, 2026).

On March 17, 2026, the Commission terminated the '016, the '518, the '164, and the '591 patents from the investigation based on the withdrawal of allegations by Estelgia. *See* Order No. 20 (Feb. 19, 2026), *unreviewed by* Comm'n Notice (Mar. 17, 2026).

On April 27, 2026, the Commission terminated the D-Link Respondents from the investigation based on a consent order. *See* Order No. 30 (Mar. 26, 2026), *unreviewed by* Comm'n Notice (Apr. 27, 2026).

On August 6, 2026, the ALJ issued the FID finding a violation of section 337 by respondents ASUS and Plume (collectively "Respondents"). On August 18, 2026, Respondents and OUII each filed a petition for review of the FID, while Estelgia filed a contingent petition for review. On August 26, 2026, Estelgia and Respondents each filed responses. On September 2, 2026, OUII filed its response.

Having reviewed the record of the investigation, including the FID and the parties' submissions to the ALJ and to the Commission, the Commission has determined to review-in-part the FID. Specifically, the Commission has determined to review the FID's findings on (1) the construction of the preamble of claim 13 of the '714 patent and related subsidiary findings, including infringement by ASUS and Plume and the technical prong of the domestic industry requirement; (2) indirect infringement by ASUS of claim 13 of the '714 patent; (3) infringement by ASUS and Plume and the technical prong of the domestic industry requirement for the claim elements "prioritizing the one or more channels … based on the measured channel condition" and "assigning … at least one channel having a lower priority to a second UE having a lower priority for communication" in the asserted claim of the '973 patent; (4) written description and

obviousness of the '973 patent; and (5) the economic prong of the domestic industry requirement.

The Commission has determined not to review, and thus adopts, the FID's findings regarding invalidity for the '714 patent. With respect to the FID's finding that Sorrells-836 in view of Sorrells-296 does not render claim 13 of the '714 patent obvious, the Commission has further determined that Respondents did not present in their post-hearing briefs the additional arguments in Respondents' petition for review regarding a motivation to use MMDS and IEEE 802.11, and therefore Respondents have waived these arguments. The Commission has determined not to review the remainder of the FID's findings.

The Commission has also determined to extend the target date for completion of the investigation to January 14, 2027.

Finally, the Commission requests a response to the following questions. The parties are requested to brief their positions with reference to the applicable law and the existing evidentiary record.

(1) For the '973 patent, whether the "based on" language in claim elements 1[d] and 8[f] has a different meaning than the "based, at least in part, on" language in claim elements 1[b], 1[e], 1[f], 8[d], 8[g], and 8[h].

(2) For the '973 patent, explain whether the FID's finding regarding written description that "both parties' experts acknowledge that 'when you're prioritizing a band, and you're selecting a band, you're selecting a channel in a band. You don't transmit or communicate on a band. You communicate on channels in bands'" (FID at 137) can be reconciled with its obviousness finding that "Novak's network may comprise 'multiple bands,' including 'the interleaved communication channels of the TV bands'—but it does not disclose prioritization of the channels, as opposed to the bands" (FID at 167)

(3) Explain whether Estelgia submitted into evidence any foreign plant and equipment and/or labor or capital investments, including contract manufacturing, relating to manufacturing of the DI products and whether Estelgia provided any DI economic prong analysis that considers such foreign investments.

(4) Please discuss the following statutory terms and the evidence of record pertaining to these terms:
    a. whether the statutory language of section 337(a)(3)(A) "plant and equipment," in view of the legislative history and judicial precedents, defines the physical "plant and equipment" to be limited to land, buildings, machinery, apparatus, and fixtures employed in the physical production or industrial activity in the United States concerning articles protected by the asserted patents;
    b. whether the statutory language of section 337(a)(3)(B) "employment of labor," in view of the legislative history and judicial precedents is confined to the employment of a subset of workers who are wage earners engaged in

physical production or industrial activity in the United States with respect to articles protected by the asserted patents;

c. whether the statutory language of section 337(a)(3)(B) "employment of … capital," in view of the legislative history and judicial precedents, is confined to the employment of capital goods and capital expenditures not otherwise accounted for by categories of capital assets and expenditures other than those recited in subsections 337(a)(3)(A) or (C); and

d. whether the evidence of investments and employment in the categories so defined indicates that they are "significant" as required in subsections 337(a)(3)(A) and (B).

The parties are invited to brief only the discrete issues requested above. The parties are not to brief other issues on review, which are adequately presented in the parties' existing filings.

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia,* (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843, Comm'n Op. at 7-10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and a cease and desist order would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's determination. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

WRITTEN SUBMISSIONS: The parties to the investigation are requested to file written submissions on the questions identified in this notice. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding.

In its initial submission, Complainant is also requested to identify the remedy sought and Complainant is requested to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the products at issue in this investigation. All initial written submissions, from the parties and/or third parties/interested government agencies, and proposed remedial orders from the parties must be filed no later than close of business on **November 12, 2026**. All reply submissions must be filed no later than the close of business on **November 19, 2026**. Opening submissions from the parties are limited to **30** pages. Reply submissions from the parties are limited to **15** pages. All submissions from third parties and/or interested government agencies are limited to **10** pages. No further submissions on any of these issues will be permitted unless otherwise 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-1454) 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 October 28, 2026.

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.



Lisa R. Barton
Secretary to the Commission

Issued: October 28, 2026