

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN MACHINE VISION
SOFTWARE, MACHINE VISION
SYSTEMS, AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-680

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO
SUBTECHNIQUE, INC. AND ISSUANCE OF CONSENT ORDER**

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. 65) of the presiding administrative law judge (“ALJ”) terminating the above-captioned investigation as to Subtechnique, Inc. (“Subtechnique”) based on a consent order.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.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 July 16, 2009, based on a complaint filed on May 28, 2009, by Cognex Corporation of Natick, Massachusetts and Cognex Technology & Investment Corporation of Mountain View, California (collectively “complainants”). 74 *Fed. Reg.* 34589-90 (July 16, 2009). The complaint, as amended, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain machine vision software, machine vision systems, or products containing same by reason of infringement of certain claims of U.S. Patent Nos. 7,016,539 and 7,065,262. The complaint further alleges that an industry in the United States

exists as required by subsection (a)(2) of section 337. The complaint names numerous respondents including Subtechnique of Alexandria, Virginia.

On April 29, 2010, complainants and Subtechnique moved to terminate the investigation as to Subtechnique on the basis of a consent order. On May 10, 2010, complainants filed a corrected proposed consent order. The Commission investigative attorney filed a response in support of the motion.

The ALJ issued the subject ID on May 24, 2010, granting the motion for termination. He found that the motion for termination satisfies Commission rules 210.21(b), (c)(1)(ii), and (c)(3)(i). He further found, pursuant to Commission rule 210.50(b)(2), that termination of this investigation as to Subtechnique by consent order is in the public interest. No party petitioned for review of the ID. The Commission has determined not to review the ID.

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 sections 210.21 and 210.42(h) of the Commission's Rules of Practice and Procedure, 19 C.F.R. §§ 210.21, 210.42(h).

By order of the Commission.

/s/

Marilyn R. Abbott
Secretary to the Commission

Issued: June 11, 2010