

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN DENTAL IMPLANTS

Investigation No. 337-TA-934

**NOTICE OF COMMISSION DETERMINATION TO EXTEND THE TIME FOR
DETERMINING WHETHER TO REVIEW A FINAL INITIAL DETERMINATION
FINDING A VIOLATION OF SECTION 337**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend until January 14, 2016, the time for determining whether to review the presiding administrative law judge's ("ALJ") final initial determination ("final ID") issued on October 27, 2015 finding a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("section 337") in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2301. 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 October 27, 2014, based on a Complaint filed by Nobel Biocare Services AG of Switzerland and Nobel Biocare USA, LLC of Yorba Linda, California (collectively, "Nobel"), as supplemented. 79 *Fed. Reg.* 63940-41 (Oct. 27, 2014). The Complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("section 337"), in the sale for importation, importation, and sale within the United States after importation of certain dental implants by reason of infringement of certain claims of U.S. Patent Nos. 8,714,977 ("the '977 patent") and 8,764,443 ("the '443 patent"). The Complaint further alleges the existence of a domestic industry. The Commission's Notice of Investigation named as respondents Neodent USA, Inc.,

of Andover, Massachusetts and JJGC Indústria e Comércio de Materiais Dentários S/A of Curitiba, Brazil (collectively, “Respondents”). The Commission previously terminated the investigation in part as to certain claims of the ’443 patent. Notice (Apr. 29, 2015); Order No. 22 (Apr. 8, 2015). The Commission also amended the Notice of Investigation to reflect the corporate name change of Neodent USA, Inc. to Instrandent USA, Inc. Notice (May 6, 2015); Order No. 24 (Apr. 9, 2015). The use of the term “Respondents” herein refers to the current named respondents.

On October 27, 2015, the ALJ issued his final ID, finding a violation of section 337 with respect to asserted claims 15, 18, 19, 30, and 32 of the ’443 patent, and finding no violation with respect to asserted claim 17 of the ’443 patent and all of the asserted claims of the ’977 patent. On November 10, 2015, the ALJ issued his recommended determination on remedy and bonding, recommending that the appropriate remedy is a limited exclusion order barring entry of the respondents’ infringing dental implants. The ALJ did not recommend issuance of a cease and desist order against any respondent. The ALJ recommended the imposition of a bond of \$120 per imported unit during the period of Presidential review.

On November 9, 2015, Nobel filed a petition for review of the final ID’s finding of no violation with respect to claims 1-5 of the ’977 patent. On November 17, 2015, Respondents and the Commission investigative attorney each filed responses opposing Nobel’s petition for review. No party petitioned for review of the final ID’s finding that there is a violation of section 337 with respect to the ’443 patent.

The Commission is extending the date for determining whether to review the final ID until January 14, 2016.

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 C.F.R. Part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: December 7, 2015