

FR 9382 (Feb. 18, 2022). The complaint, as supplemented, 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, or the sale within the United States after importation of certain networking devices, computers, and components thereof and systems containing the same by reason of infringement of claims 1–37 of U.S. Patent No. 8,687,573. *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission’s notice of investigation named as respondent NetApp, Inc. of San Jose, CA (“NetApp”). *Id.* The Office of Unfair Import Investigations is not participating in the investigation. *Id.*

On May 5, 2022, NetApp moved, “[p]ursuant to Commission Rule 210.21(a) [19 CFR 210.21(a)] . . . for termination of the instant investigation based on [Proven’s] clear and unequivocal waiver of the sole basis on which Proven alleges it satisfies the domestic industry requirement.” *Certain Networking Devices, Computers, and Components Thereof and Sys. Containing the Same*, Inv. No. 337–TA–1298, Respondent’s Mot. to Terminate Based on Waiver of Domestic Indus., 1 (May 5, 2022). Proven filed a response in opposition to the motion to terminate on May 16, 2022. The CALJ held oral argument on the motion on June 1, 2022. At the outset of the argument, the CALJ characterized the pending motion as one “to terminate the investigation for good cause.” Tr. at 4 (EDIS Doc. ID 772805).

On July 5, 2022, the CALJ issued the subject ID granting NetApp’s motion and terminating the investigation in its entirety. The ID relies on the “good cause” language of Commission Rule 210.21(a)(1) as the basis for granting the motion. ID at 4, 12. Substantively, the ID finds that “Proven expressly waived its ability to rely on [third-party] Extreme’s products and activities to demonstrate a domestic industry in this investigation,” and that “[w]ithout the ability to rely on Extreme’s products and services, Proven cannot satisfy the domestic industry requirement of section 337 and no violation of section 337 can be found.” ID at 12. The Commission has determined not to review the subject ID.

The Commission has also determined to deny as moot a motion filed by NetApp to strike Proven’s untimely petition for review. Proven filed an untimely petition for review of the ID, which NetApp moved to strike. Proven’s request that its petition for review be received out of time was denied by the Chair. See EDIS Doc. ID 776332 (July 27, 2022). As such, Proven’s petition for

review is not on the record and therefore NetApp’s motion to strike the petition from the record is moot.

The investigation is hereby terminated in its entirety.

The Commission vote for this determination took place on August 4, 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.

Issued: August 5, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

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INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–668–669 and 731–TA–1565–1566 (Final)]

Urea Ammonium Nitrate Solutions From Russia and Trinidad and Tobago

Determinations

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that an industry in the United States is not materially injured or threatened with material injury by reason of imports of urea ammonium nitrate solutions from Russia and Trinidad and Tobago, provided for in subheading 3102.80.00 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (“Commerce”) to be subsidized by the governments of Russia and Trinidad and Tobago and to be sold in the United States at less than fair value (“LTFV”).²

Background

The Commission instituted these investigations effective June 30, 2021, following receipt of petitions filed with the Commission and Commerce by CF Industries Nitrogen, LLC and its subsidiaries, Terra Nitrogen, Limited Partnership and Terra International (Oklahoma) LLC, all of Deerfield, Illinois. The final phase of the investigations was scheduled by the

¹ The record is defined in § 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

² 87 FR 37836 and 87 FR 37828 (June 24, 2022) and 87 FR 37831 and 87 FR 37824 (June 24, 2022).

Commission following notification of preliminary determinations by Commerce that imports of urea ammonium nitrate solutions from Russia and Trinidad and Tobago were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission’s investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on February 23, 2022 (87 FR 10241). The Commission conducted its hearing on June 16, 2022. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on August 4, 2022. The views of the Commission are contained in USITC Publication 5338 (August 2022), entitled *Urea Ammonium Nitrate Solutions from Russia and Trinidad and Tobago: Investigation Nos. 701–TA–668–669 and 731–TA–1565–1566 (Final)*.

By order of the Commission.

Issued: August 5, 2022.

Katherine Hiner,

Acting Secretary to the Commission.

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1285]

Certain Bar Code Scanners, Mobile Computers With Bar Code Scanning Capabilities, Scan Engines, and Components Thereof; Notice of Commission Decision Not to Review an Initial Determination Terminating the Investigation on the Basis of Settlement; Termination of Investigation

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. 23) of the presiding administrative law judge (“ALJ”),