

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1187]

Certain Electronic Devices With Optical Filters and Optical Sensor Systems and Components Thereof; Notice of Commission Determination Not To Review an Initial Determination Terminating the Investigation Based on Settlement; Termination of the Investigation

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 23) of the presiding administrative law judge (“ALJ”) granting a joint motion to terminate the investigation in its entirety based on settlement.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-5468. 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 December 27, 2019, based on a complaint filed by Viavi Solutions Inc. of San Jose, California (“Viavi”). 84 FR 71464 (Dec. 27, 2019). 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, and the sale within the United States after importation of certain electronic devices with optical filters and optical sensor systems and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 9,588,269; 9,945,995; and 10,222,526. *Id.* The Commission’s notice of investigation named as respondents Optrontec Inc. of Changwon, Republic of Korea (“Optrontec”); and LG Electronics, Inc. of Seoul, Republic of

Korea; LG Innotek Co., Ltd. of Seoul, Republic of Korea; and LG Electronics U.S.A., Inc. of Englewood Cliffs, New Jersey (collectively, “LG”). *Id.* The Office of Unfair Import Investigations (“OUII”) is participating in this investigation. *Id.*

The Commission previously terminated the investigation with respect to LG based on settlement. Order No. 9 (Feb. 27, 2020), *not reviewed* Notice (Mar. 18, 2020). Optrontec was thus the sole remaining respondent in the investigation.

On June 19, 2020, Viavi and Optrontec jointly moved to terminate the investigation based on settlement. On June 25, 2020, OUII filed a response in support of the motion.

On July 13, 2020, the ALJ issued the subject ID, granting the motion and terminating the investigation based on settlement. No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID. The investigation is hereby terminated in its entirety.

The Commission vote for this determination took place on July 31, 2020.

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: July 31, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020-17140 Filed 8-5-20; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-854 (Remand)]

Certain Two-Way Global Satellite Communication Devices, System, and Components Thereof; Notice of Commission Determination To Deny a Petition To Rescind or Modify a Civil Penalty Order; Termination of Remand Proceeding

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to (1) deny a petition to rescind, or in the alternative, modify a civil penalty order; and (2) terminate the proceeding on

remand from the U.S. Court of Appeals for the Federal Circuit.

FOR FURTHER INFORMATION CONTACT:

Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-2310. 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, telephone 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted Inv. No. 337-TA-854 (Enforcement Proceeding) on May 24, 2013, based on an enforcement complaint filed on behalf of BriarTek IP, Inc. (“BriarTek”) of Alexandria, Virginia. 78 FR 31576-77 (May 24, 2013). The complaint alleged violations of the April 5, 2013, consent order (“the Consent Order”) issued in the underlying investigation by the continued practice of prohibited activities such as selling or offering for sale within the United States after importation any two-way global satellite communication devices, system, or components thereof that infringe one or more claims of U.S. Patent No. 7,991,380 (“the ‘380 patent”). The Commission’s notice of institution of the enforcement proceeding named as respondents DeLorme Publishing Company, Inc. and DeLorme InReach LLC (collectively, “DeLorme”), now known as BDN Holding, Inc. and BDN LLC, all of Yarmouth, Maine. The Office of Unfair Import Investigations (“OUII”) was also a party to the enforcement proceeding. *Id.*

On June 10, 2014, following review of the presiding administrative law judge’s enforcement initial determination in the enforcement proceeding, the Commission issued a civil penalty order in the amount of \$6,242,500 for DeLorme’s violation of the Consent Order on 227 separate days. DeLorme appealed the Commission’s final determination to the U.S. Court of Appeals for the Federal Circuit. During the pendency of the appeal, the U.S. District Court for the Eastern District of Virginia (“EDVA”) granted summary judgment in a declaratory judgment action filed by DeLorme against the patentee, finding the relevant claims of