

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN ACCESS CONTROL SYSTEMS AND
COMPONENTS THEREOF**

Inv. No. 337-TA-1016

NOTICE OF INITIAL DETERMINATION ON VIOLATION OF SECTION 337

Administrative Law Judge Thomas B. Pender

(October 23, 2017)

On this date, I issued an initial determination on violation of section 337 in the above-referenced investigation. Below are my Initial Determination and the Conclusions of Law from said filing, which are a matter of public record. A complete public version of the Initial Determination will issue when all the parties have submitted their redactions and I have had an opportunity to review such redactions.

SO ORDERED.

Thomas B. Pender
Administrative Law Judge

VII. CONCLUSIONS OF LAW

1. The Commission has personal jurisdiction over the parties and subject-matter jurisdiction over the accused products.
2. The importation or sale requirement of Section 337 is satisfied.
3. CGI's '336 Domestic Industry Products practice claims 12, 14, 15, 19, and 34 of U.S. Patent No. 7,339,336.
4. The domestic industry requirement is satisfied with respect to the '336 patent.
5. Respondents do not directly infringe claim 34 of the '336 patent.
6. Respondents do not indirectly infringe claim 34 of the '336 patent.
7. Claims 15, 19, and 34 of the '336 patent have been shown to be invalid under 35 U.S.C. § 101.
8. Claim 15 of the '336 patent has been shown to be invalid under 35 U.S.C. § 102.
9. Claims 12, 14, and 19 of the '336 patent have not been shown to be invalid under 35 U.S.C. § 102.
10. Claim 34 of the '336 patent has not been shown to be invalid under 35 U.S.C. § 103.
11. There is no violation of Section 337 with respect to the '336 patent.
12. CGI's '319 Domestic Industry Products practice claims 1-4, 7-12, 15, and 16 of U.S. Patent No. 7,161,319.
13. The domestic industry requirement is satisfied with respect to the '319 patent.
14. Respondents directly infringe claims 1-4, 7-12, 15 and 16 of the '319 patent.
15. Respondents indirectly infringe claims 1-4, 7-12, 15 and 16 of the '319 patent.
16. Claims 1-4, 7-12, 15 and 16 have not been shown to be invalid under 35 U.S.C. § 103.
17. There is a violation of Section 337 with respect to the '319 patent.

VIII. INITIAL DETERMINATION AND ORDER

Based on the foregoing, it is my Initial Determination that there is a violation 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 access control systems and components thereof, in connection with the asserted claims of U.S. Patent No. 7,161,319.

Furthermore, it is my determination that a domestic industry in the United States exists that practices or exploits each of the asserted patents.

The undersigned hereby CERTIFIES to the Commission this Initial Determination, together with the Record of the hearing in this investigation consisting of the following: the transcript of the evidentiary hearing, with appropriate corrections as may hereafter be ordered; and the exhibits accepted into evidence in this investigation as listed in the appendices hereto.

Pursuant to 19 C.F.R. § 210.42(h), this Initial Determination shall become the determination of the Commission unless a party files a petition for review pursuant to 19 C.F.R. § 210.43(a) or the Commission, pursuant to 19 C.F.R. § 210.44, orders on its own motion a review of the Initial Determination or certain issues therein.