

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

In the Matter of

CERTAIN RADIOTHERAPY SYSTEMS AND  
TREATMENT PLANNING SOFTWARE, AND  
COMPONENTS THEREOF

Inv. No. 337-TA-968

**Order No. 5: Setting Target Date**

By publication of a notice in the *Federal Register* on October 30, 2015, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, the Commission instituted this investigation to determine:

[W]hether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain radiotherapy systems and treatment planning software, and components thereof by reason of infringement of one or more of claims 1, 2, 4–9, 11–16, 53–56, and 58–62 of the ‘021 patent [U.S. Patent No. 7,945,021]; claims 1–4, 6–10, 12, 18, and 19 of the ‘430 patent [U.S. Patent No. 8,116,430]; claims 1–10, 12–15, and 17–21 of the ‘703 patent [U.S. Patent No. 8,867,703]; claims 19–28 and 33–36 of the ‘154 patent [U.S. Patent No. 7,880,154]; claims 61–63, 65, and 67–70 of the ‘770 patent [U.S. Patent No. 7,906,770]; and claims 23, 25, 26, 39–42, 45, and 50 of the ‘538 patent [U.S. Patent No. 8,696,538], and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

80 Fed. Reg. 66934 (2015).

Additionally, pursuant to Commission Rule 210.50(b)(1), the Commission ordered that:

[T]he presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue,

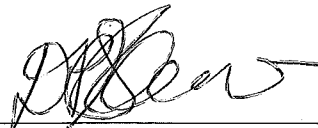
which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1).

*Id.*

The complainants are Varian Medical Systems, Inc. of Palo Alto, California; and Varian Medical Systems International AG of ZG, Switzerland. The respondents are

Elekta AB of Stockholm, Sweden; Elekta Ltd. of Crawley, United Kingdom; Elekta GmbH of Hamburg, Germany; Elekta Inc. of Atlanta, Georgia; IMPAC Medical Systems, Inc. of Sunnyvale, California; Elekta Instrument (Shanghai) Limited of Shanghai, China; and Elekta Beijing Medical Systems Co. Ltd. of Beijing, China. The Office of Unfair Import Investigations is also a party to this investigation. *Id.*

Based upon the complaint, the notice of investigation, and the administrative law judge's current schedule, it is determined that the initial determination on alleged violation of section 337 shall be due on October 14, 2016, and that the target date for completion of this investigation is February 14, 2017, which is approximately fifteen and one-half months after institution of the investigation. *See* 19 C.F.R. § 210.51(a); 19 C.F.R. § 210.42(a)(1)(i).



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David P. Shaw  
Administrative Law Judge

Issued: November 10, 2015

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**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **Order No. 5** has been served by hand upon the Commission Investigative Attorney, **Lisa Kattan, Esq.**, and the following parties as indicated, on NOV 10 2015.



Lisa R. Barton, Secretary  
U.S. International Trade Commission  
500 E Street SW, Room 112A  
Washington, DC 20436

<b>FOR COMPLAINANTS VARIAN MEDICAL SYSTEMS, INC. AND VARIAN MEDICAL SYSTEMS INTERNATIONAL AG:</b>	
Stephen R. Smith, Esq. <b>COOLEY LLP</b> 1299 Pennsylvania Avenue, NW Suite 700 Washington, DC 20004	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
<b>FOR RESPONDENTS ELEKTA AB; ELEKTA LTD.; ELEKTA GMBH; ELEKTA INC.; IMPAC MEDICAL SYSTEMS, INC.; ELEKTA INSTRUMENT (SHANGHAI) LIMITED; AND ELEKTA BEIJING MEDICAL SYSTEMS CO. LTD.:</b>	
James R. Barney, Esq. <b>FINNEGAN, HENDERSON, FARABOW, GARRETT &amp; DUNNER L.L.P.</b> 901 New York Avenue, NW Washington, DC 20001-4413	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____