

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN INCREMENTAL DENTAL
POSITIONING ADJUSTMENT
APPLIANCES AND METHODS OF
PRODUCING SAME**

**Inv. No. 337-TA-562
(Enforcement Proceeding)**

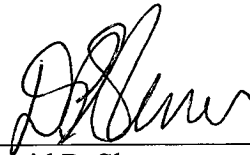
Order No. 71

This enforcement proceeding was instituted on May 1, 2012. 77 Fed. Reg. 25747 (May 1, 2012). On May 25, 2012, the presiding administrative law judge set a target date of July 1, 2013, *i.e.*, 14 months, for completion of the investigation. Order No. 35 (Bullock, C.J.) (May 25, 2012). The Commission subsequently terminated this enforcement proceeding on January 4, 2013. *See* 78 Fed. Reg. 2282 (Jan. 10, 2013). Upon appeal, a panel of the Court of Appeals for the Federal Circuit reversed the Commission's determination and remanded the case to the Commission for further proceedings. *See Align Technology, Inc. v. Int'l Trade Comm'n*, Nos. 2013-1240, -1363, at 18 (Fed. Cir. July 18, 2014). The mandate issued on September 25, 2014, returning jurisdiction to the Commission. On November 24, 2014, the Commission remanded the investigation "to the Chief ALJ for assignment to a presiding ALJ to resume enforcement proceedings." *See* Notice of Commission Determination to Remand Investigation to the Chief Administrative Law Judge Pursuant to Remand from the U.S. Court of Appeals for the Federal Circuit at 3 (Nov. 24, 2014).

When this investigation was previously terminated on January 4, 2013, the parties were one business day away from starting the evidentiary hearing. At that time, all prehearing briefs

had been submitted and all fact and expert discovery had been concluded. *See, e.g.*, Order No. 46 (Aug. 29, 2012).

The administrative law judge has determined to set the target date for this continued proceeding at 11 months following the remand by the Commission to the chief administrative law judge, *i.e.*, October 26, 2015.¹ The enforcement initial determination is therefore due on June 24, 2015. *See* 19 C.F.R. § 210.51(a); 19 C.F.R. § 210.42(a)(1)(i); 19 C.F.R. § 201.14(a).



David P. Shaw
Administrative Law Judge

Issued: January 5, 2015

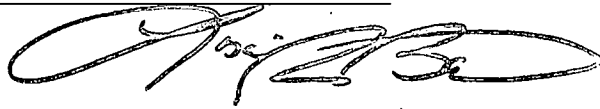
¹ October 24, 2015 falls on a Saturday. *See* 19 C.F.R. § 210.51(a); 19 C.F.R. § 210.42(a)(1)(i); 19 C.F.R. § 201.14(a).

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PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER NO. 71** has been served by hand upon the Commission Investigative Attorney, **Monica Bhattacharyya, Esq.**, and the following parties as indicated, on **JAN 05 2015**



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

FOR COMPLAINANT ALIGN TECHNOLOGY INC.:

Scott M. Flicker, Esq.
PAUL HASTINGS LLP
875 15th Street, NW
Washington, DC 20005

() Via Hand Delivery
() Express Delivery
(☒) Via First Class Mail
() Other: _____

**FOR RESPONDENTS CLEARCORRECT PAKISTAN (PRIVATE), LTD.,
MUDASSAR RATHORE, WAQAS WAHAB, NADEEM ARIF, AND ASIM WAHEED:**

Lei Mei, Esq.
MEI & MARK LLP
1050 Connecticut Avenue, NW
10th Floor
Washington, DC 20036

() Via Hand Delivery
() Express Delivery
(☒) Via First Class Mail
() Other: _____

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FOR RESPONDENT CLEARCORRECT OPERATING, LLC:

Gary M. Hnath, Esq.
MAYER BROWN LLP
1999 K Street, NW
Washington, DC 20006

- ☐ Via Hand Delivery
☐ Express Delivery
☒ Via First Class Mail
☒ Other: _____