

By order of the Commission.

Issued: November 30, 2020.

Katherine Hiner,

Supervisory Attorney.

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INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-1233]

Certain Active Optical Cables and Products Containing the Same; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on October 29, 2020, under section 337 of the Tariff Act of 1930, as amended, on behalf of Cosemi Technologies, Inc. of Irvine, California. A supplement to the complaint was filed on November 16, 2020. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain active optical cables and products containing the same by reason of infringement of certain claims of U.S. Patent No. 8,948,197 (“the ‘197 patent’”), U.S. Patent No. 9,641,250 (“the ‘250 patent’”), U.S. Patent No. 9,971,115 (“the ‘115 patent’”), and U.S. Patent No. 9,979,479 (“the ‘479 patent’”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT:

Katherine Hiner, Office of Docket Services, U.S. International Trade Commission, telephone (202) 205-1802.

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on November 30, 2020, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether 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 products identified in paragraph (2) by reason of infringement of one or more of claims 1, 5, 6, 13-15, and 19 of the ‘197 patent; claims 1-5, 8-10, and 13 of the ‘250 patent; claims 1-6, 9, and 12-16 of the ‘115 patent, and claims 15, 18, and 25 of the ‘479 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission’s Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “active optical data cables, including USB cables (USB A, A/C, C/C [USB and Display Port alternate mode variations], and A/micro-B [hybrid]), HDMI cables, and Display Port cables and products incorporating the same”;

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Cosemi Technologies, Inc., 1370 Reynolds Avenue, Suite 100, Irvine, CA 92614

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

EverPro Technologies Company Ltd., #9 Guanggu Road, Wuhan, Hubei 430073, China

Fibbr Technologies, #9 Optics Valley Avenue, East Lake Hi-tech Development Zone, Wuhan, Hubei 430073, China

Logitech Inc., 7700 Gateway Blvd., Newark, CA 94560

Facebook Technologies, LLC, 1 Hacker Way, Menlo Park, CA 94025

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not be named as a party to this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission’s Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: November 30, 2020.

Katherine Hiner,

Supervisory Attorney.

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