

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN MOVABLE BARRIER
OPERATOR SYSTEMS AND
COMPONENTS THEREOF

Investigation No. 337-TA-1209
(Modification)

NOTICE OF COMMISSION DECISION TO DENY RESPONDENT'S
MOTION TO STAY THE REMEDIAL ORDERS PENDING APPEAL

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to deny respondent's motion to stay the remedial orders pending appeal.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. 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: On August 10, 2020, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), based on a complaint filed by Overhead Door Corporation of Lewisville, Texas and GMI Holdings Inc. of Mount Hope, Ohio (collectively, "Complainants"). *See* 85 FR 48264-65 (Aug. 10, 2020). The complaint, as supplemented, alleged a violation 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 movable barrier operator systems and components thereof by reason of infringement of U.S. Patent Nos. 8,970,345 ("the '345 patent"); 7,173,516 ("the '516 patent"); 7,180,260 ("the '260 patent"); 9,483,935 ("the '935 patent"); 7,956,718 ("the '718 patent"); and 8,410,895 ("the '895 patent"). *See id.* The notice of investigation named The Chamberlain Group, Inc. ("Respondent") of Oak Brook, Illinois as the respondent in this investigation. *See id.* The Office of Unfair Import Investigations was not a party to the investigation. *See id.*

On February 10, 2021, the Commission terminated the investigation as to the '516 patent based on the withdrawal of the allegations in the complaint as to that patent. *See* Order No. 10 (Jan. 19, 2021), *unreviewed by* Comm'n Notice (Feb. 10, 2021).

On September 14, 2021, the presiding Administrative Law Judge issued a final initial determination finding a violation of section 337 with respect to the '345, '935, '260, '718, and '895 patents.

On February 9, 2022, the Commission issued a final determination finding a violation of section 337, based on Respondent's infringement of the asserted claims of the '935 patent, the '718 patent, and the '895 patent, but not the '345 and '260 patents. *See* 87 FR 8605-06 (Feb. 15, 2022). The Commission further determined to: (1) issue a limited exclusion order against Respondent's infringing products and a cease and desist order against the Respondent (collectively, "the remedial orders") and (2) set a bond during the period of Presidential review in the amount of one hundred (100) percent of the entered value of the infringing articles. *See id.*

On March 30, 2022, the Commission issued modified remedial orders to clarify and confirm that the definition of covered products or articles in the remedial orders includes garage door openers, gate operators, and commercial operators.


On April 12, 2022, Respondent filed a notice of appeal from the Commission's final determination and modification determination with the U.S. Court of Appeals for the Federal Circuit (Appeal No. 22-1664). On the same day, Respondent filed with the Commission a motion to stay the modified remedial orders pending appeal. On April 20, 2022, Complainants filed a response opposing the motion to stay. On April 22, 2022, Respondent filed a motion for leave to file a reply in support of its motion to stay. On April 25, 2022, Complainants filed an opposition to the motion for leave. The Commission has determined to deny Respondent's motion for leave to file a reply.

For the reasons discussed in the Commission opinion issued concurrently herewith, the Commission has determined to deny Respondent's motion to stay the modified remedial orders pending appeal. An Order denying the motion is also issued herewith.

The Commission's vote on this determination took place on May 13, 2022.

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.



Lisa R. Barton
Secretary to the Commission

Issued: May 13, 2022

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served to the following parties as indicated, on **May 13, 2022**.



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

**On Behalf of Complainants Overhead Door Corporation and
GMI Holdings Inc:**

Bert C. Reiser, Esq.
LATHAM & WATKINS LLP
555 Eleventh Street, NW, Suite 1000
Washington, DC 20004
Email: Bert.Reiser@lw.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification
of Availability for Download

On Behalf of Respondent The Chamberlain Group, Inc.:

Eimeric Reig-Plessis, Esq.
WINSTON & STRAWN LLP
275 Middlefield Road, Suite 205
Menlo Park, CA 94025
Email: EReigPlessis@winston.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be
Completed by Complainants