



INTERNATIONAL TRADE COMMISSION

Investigation No. 337-TA-1090

Certain Intraoral Scanners and Related Hardware and Software

Commission Determination Not to Review an Initial Determination Granting a

Motion for Leave to Amend the Complaint and Notice of Investigation to Add Respondent

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 8) of the presiding administrative law judge (“ALJ”), granting complainant’s unopposed motion for leave to amend the complaint and notice of investigation to add 3Shape Trios A/S of Copenhagen, Denmark, as a respondent.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2392. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.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: The Commission instituted this investigation on December 19, 2017, based on a complaint filed on behalf of Align Technology, Inc. (“Align”) of San Jose, California. 82 FR 60215 (Dec. 19, 2017). The complaint alleges violations 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 intraoral scanners and related hardware and software by reason of infringement of one or more claims of U.S. Patent Nos.: 9,615,901; 8,638,448; 8,638,447; 6,845,175; and 6,334,853. *Id.* The complaint further alleges that a domestic industry exists. The Commission’s notice of investigation named as respondents 3Shape A/S of Copenhagen K, Denmark; and 3Shape, Inc., of Warren, New Jersey. The Office of Unfair Import Investigations is not participating in the investigation.

On March 5, 2018, Align filed an unopposed motion for leave to file a second amended complaint naming 3Shape Trios A/S as a new respondent in the investigation under Commission Rule 210.14(b)(1). Order No. 8 at 1 (Mar. 7, 2018). On March 7, 2018, the ALJ issued the subject ID granting the motion. *Id.* at 2. The ALJ found that good cause exists to amend the complaint and there is no evidence of any prejudice to the parties at this early stage of the investigation. *Id.* No petitions for review were filed.

The Commission has determined not to review the ID.

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 Barton
Secretary to the Commission

Issued: March 26, 2018

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