

Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *In the Matter of Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

When the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

When the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. See section 337(j), 19 U.S.C. 1337(j) and the Presidential Memorandum of July 21, 2005. 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

**Written Submissions:** Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding, and such submissions should address the recommended determination by the ALJ on remedy and bonding. Complainant is also requested to submit proposed remedial orders for the Commission's consideration. Complainant is also requested to: (1) State the dates that the patents at issue expire and the HTSUS numbers under which the accused articles are imported; and (2) supply a list of known importers of the accused products. Also specifically, with respect

to the public interest, the Commission requests briefing on the following issues:

(1) Please comment on the availability of similar products from suppliers other than Hytera or Motorola (including market share of these other sources) that can perform "mission-critical" two-way radio communication.

(2) With respect to (1), please comment on whether such alternative suppliers also provide the same features that Hytera's products provide (e.g., unique pseudo trunking, noise cancellation, "man down" feature, "lone worker" feature) as well as whether Motorola's products provide the same features as Hytera's products. Also please address the interoperability of various suppliers' products in two-way radio communication systems.

(3) Please comment on the extent to which a distributor of Motorola two-way radio communication products must offer only Motorola products, or whether such a distributor can also offer two-way radio communication equipment and products from other suppliers.

(4) Please comment on whether any potential exclusion order and/or cease and desist order should include a repair/service exception regarding service to existing Hytera two-way radio communications products that were sold prior to the effective date of any such order. If you advocate for such an exception, please address the appropriate parameters of such an exception, and provide proposed language.

The written submissions and proposed remedial orders must be filed no later than September 18, 2018. Reply submissions must be filed no later than September 25, 2018. No further submissions on these issues will be permitted unless otherwise ordered by the Commission. In addressing the issues on violation, the parties are limited to 25 pages for the initial submission and 15 pages for the reply submission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-1053") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, [http://www.usitc.gov/secretary/fed\\_reg\\_notices/rules/handbook\\_on\\_electronic\\_filing.pdf](http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf)).

Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,<sup>1</sup> solely for cybersecurity purposes. All non-confidential written submissions will be available for public inspection at the Office of the Secretary.

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.

Issued: September 4, 2018.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2018-19499 Filed 9-7-18; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1131]

### Certain Wireless Mesh Networking Products and Related Components Thereof; Institution of Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

<sup>1</sup> All contract personnel will sign appropriate nondisclosure agreements.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 3, 2018, under section 337 of the Tariff Act of 1930, as amended, on behalf of SIPCO LLC of Ashburn, Virginia. A supplement was filed on August 16, 2018. 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 wireless mesh networking products and related components thereof by reason of infringement of certain claims of U.S. Patent No. 6,914,893 (“the ‘893 patent”); U.S. Patent No. 7,103,511 (“the ‘511 patent”); U.S. Patent No. 8,964,708 (“the ‘708 patent”); and U.S. Patent No. 9,439,126 (“the ‘126 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, is 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, Room 112, Washington, DC 20436, telephone (202) 205–2000. 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>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Katherine Hiner, The 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 (2018).

*Scope of Investigation:* Having considered the complaint, the U.S.

International Trade Commission, on September 4, 2018, *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 1–4, 10, and 19–25 of the ‘893 patent; claims 1–4, 8–11, 33–35, 44–47, and 56–58 of the ‘511 patent; claims 1, 2, 5, 8–10, and 16–20 of the ‘708 patent; and claims 1–12 of the ‘126 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 “wireless mesh networking gateways, input/output cards, remote devices, transceivers, network managers, system-on-chip nodes, printed circuit boards, circuit components, batteries, and field communicator devices”;

(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: SIPCO LLC, 20638 Duxbury Terrace, Ashburn, Virginia 20147.

(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: Emerson Electric Co., 8000 W Florissant Ave., St. Louis, MO 63136  
Emerson Process Management LLLP, 8000 Norman Center Drive, Suite 1200, Bloomington, MN 55437  
Emerson Process Management Asia Pacific Private Limited, 1 Pandan Crescent, Singapore, 128461,  
Singapore

Emerson Process Management Manufacturing (M) Sdn. Bhd., Lot 13111-Mukim Labu, Kawasan, Perindustrian Nilai, Nilai, Negeri Sembilan, 71807, Malaysia  
Fisher-Rosemount Systems, Inc., 1100 W Louis Henna Blvd., Bldg. 1, Round Rock, TX 78681  
Rosemount Inc., 6021 Innovation Blvd., Shakopee, MN 55379  
Analog Devices, Inc., One Technology Way, Norwood, MA 02062  
Linear Technology LLC, 1630 McCarthy Blvd., Milpitas, CA 95035

Dust Networks, Inc., 32990 Alvarado Niles Road, Suite 910, Union City, California 94587

Tadiran Batteries Inc., 2001 Marcus Avenue, Suite 125E, Lake Success, NY 11040

Tadiran Batteries Ltd., 34 Itzhak Rabin Blvd., Kiryat Ekron, 7692000, Israel

(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), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission 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: September 5, 2018.

**Lisa R. Barton,**

*Secretary to the Commission.*

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