

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

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

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) **Inv. No. 337-TA-562**
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**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANT’S MOTION TO TERMINATE THE
INVESTIGATION IN PART**

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”) issued by the presiding administrative law judge (“ALJ”) granting complainant’s motion to terminate the above-captioned investigation as to U.S. Patent No. 6,450,807 (“the ‘807 patent”) with respect to all the respondents.

FOR FURTHER INFORMATION CONTACT: James A. Worth, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3065. 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, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://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:

On February 15, 2006, the Commission instituted an investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, based on a complaint filed by Align Technology Inc. of Santa Clara, California (“Align”), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain incremental dental positioning adjustment appliances by reason of infringement of certain claims of U.S. Patent Nos. 6,685,469; 6,450,807; 6,394,801; 6,398,548; 6,722,880; 6,629,840; 6,699,037; 6,318,994; 6,729,876; 6,602,070; 6,471,511; and 6,227,850.

The complaint also alleged a violation of section 337 by reason of misappropriation of trade secrets. 71 *Fed. Reg.* 7995 (February 15, 2006). The complainant named OrthoClear, Inc. of San Francisco, California; OrthoClear Holdings, Inc. of Tortola, British Virgin Islands; and OrthoClear Pakistan Pvt, Ltd. of Lahore, Pakistan as respondents.

On July 11, 2006, complainant Align Technology moved to terminate the investigation as to the '807 patent with respect to all the respondents. No party opposed the motion. On July 12, 2006, the ALJ issued an ID (Order No. 10) granting Align's motion. The ALJ found that no extraordinary circumstances are present in this investigation. No petitions to review the ID were filed. The Commission has determined not to review this ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, and Commission Rule 210.42, 19 C.F.R. § 210.42.

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: July 20, 2006