

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

In the Matter of

**CERTAIN MACHINE VISION
SOFTWARE, MACHINE VISION
SYSTEMS, AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-680

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANTS' MOTION FOR SUMMARY
DETERMINATION ON THE ECONOMIC PRONG OF THE DOMESTIC INDUSTRY
REQUIREMENT WITH RESPECT TO REMAINING ASSERTED PATENTS**

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. 41) of the presiding administrative law judge ("ALJ") granting complainants' motion for summary determination on the economic prong of the domestic industry requirement with respect to remaining asserted patents.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2310. 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 at <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: The Commission instituted this investigation on July 16, 2009 based on a complaint filed on May 28, 2009, by Cognex Corporation of Natick, Massachusetts and Cognex Technology & Investment Corporation of Mountain View, California (collectively "Cognex"). 74 *Fed. Reg.* 34589-90 (July 16, 2009). The complaint, as amended on June 26 and July 1, 2009, 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, and the sale within the United States after importation of certain machine vision software, machine vision systems, or products containing same by reason of infringement of certain claims of U.S. Patent

Nos. 7,016,539; 7,065,262; and 6,559,112 (“the ‘112 patent”). Also, the complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337, and names numerous respondents. On March 25, 2010, the ALJ issued an ID granting Cognex’s motion to terminate the investigation as to the ‘112 patent based on withdrawal of the patent from the complaint. This ID was not reviewed by the Commission.

On March 3, 2010, Cognex moved for summary determination that it satisfied the economic prong of the domestic industry requirement. On March 31, 2010, the ALJ issued the subject ID (Order No. 41) granting Cognex’s motion with respect to the remaining two patents. No party petitioned for review.

The Commission has determined not to review the subject 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 section 210.42(h) of the Commission’s Rules of Practice and Procedure, 19 C.F.R. § 210.42(h).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: April 20, 2010