

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN MICROFLUIDIC DEVICES

Investigation No. 337-TA-1068

NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL DETERMINATION (ORDER NO. 15) GRANTING COMPLAINANTS' MOTION FOR SUMMARY DETERMINATION THAT ASSIGNOR ESTOPPEL PRECLUDES RESPONDENT FROM CHALLENGING THE VALIDITY OF THE ASSERTED PATENTS

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the "Commission") has determined not to review an initial determination (Order No. 15) (the "ID") granting Complainants' motion for summary determination that assignor estoppel precludes Respondent from challenging the validity of the asserted patents.

FOR FURTHER INFORMATION CONTACT: Ron Traud, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone 202-205-3427. 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, telephone 202-205-1810.

SUPPLEMENTARY INFORMATION: On September 6, 2017, the Commission instituted this investigation based on a complaint filed by Bio-Rad Laboratories, Inc. of Hercules, CA; and Lawrence Livermore National Security, LLC of Livermore, CA (collectively, "complainants"). 82 FR 42115. The complaint (and supplement thereto) alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337") based upon the importation into the United States, the sale for importation, or the sale within the United States after importation of certain microfluidic devices by reason of infringement of one or more of claims 1-12 and 14-16 of U.S. Patent No. 9,500,664 ("the '664 patent"); claims 1-15 of U.S. Patent No. 9,089,844 ("the '844 patent"); claims 1-21 of U.S. Patent No. 9,636,682 ("the '682 patent"); claims 1-27 of U.S. Patent No. 9,649,635 ("the '635 patent"); and claims 1, 2, 4-8, and 14-21 of U.S. Patent No.

9,126,160 (“the ’160 patent). *Id.* The Commission’s Notice of Investigation named as the sole respondent 10X Genomics, Inc. of Pleasanton, CA (“10X”). *Id.* The Office of Unfair Import Investigations (“OUII”) was also named as a party to this investigation. *Id.*

On March 5, 2018, the presiding administrative law judge (“ALJ”) issued Order No. 15, the subject ID, which grants complainants’ motion for summary determination that the doctrine of assignor estoppel precludes 10X from challenging the validity of the asserted patents. On March 13, 2018, 10X filed a petition for review of the ID. On March 20, 2018, complainants filed a response opposing the petition, and on March 22, 2018, OUII filed a response opposing the petition.

Having examined the record of this investigation, including the ID and the submissions of the parties, 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 part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized and cursive.

Lisa R. Barton
Secretary to the Commission

Issued: April 9, 2018

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served by hand upon the Commission Investigative Attorney, **Whitney Winston, Esq.**, and the following parties as indicated, on **April 9, 2018**.



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

**On Behalf of Complainants Bio-Rad Laboratories, Inc. and
Lawrence Livermore National Security, LLC:**

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On Behalf of Respondents 10X Genomics, Inc.:

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