

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN MICROFLUIDIC SYSTEMS
AND COMPONENTS THEREOF AND
PRODUCTS CONTAINING SAME**

Inv. No. 337-TA-1100

NOTICE OF INITIAL DETERMINATION ON VIOLATION OF SECTION 337

(July 12, 2019)

On this date, I have issued an initial determination on violation of section 337 in this investigation pursuant to Commission Rule 210.42(a)(1)(i).¹ For the reasons discussed therein, it is my final initial determination that there is a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by Respondent Bio-Rad Laboratories, Inc. (“Bio-Rad”) in the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain microfluidic systems and components thereof and products containing same by reason of infringement of certain claims of U.S. Patent No. 9,689,024 (“the ’024 Patent”), U.S. Patent No. 9,695,468 (“the ’468 Patent”), and U.S. Patent No. 9,856,530 (“the ’530 Patent”). There is no violation with respect to U.S. Patent No. 9,644,204 (“the ’204 Patent”).

This determination is based on the following conclusions of law:

1. The Commission has subject matter jurisdiction over this investigation, *in personam* jurisdiction over Bio-Rad, and *in rem* jurisdiction over the accused microfluidic systems and components thereof and products containing same.

¹ A public version shall issue within 30 days, or in the time necessary to identify and redact the confidential business information therein, pursuant to Commission Rule 210.5(f).

2. There has been an importation into the United States, sale for importation, or sale within the United States after importation of the accused microfluidic systems and components thereof and products containing same by Bio-Rad.
3. Bio-Rad has indirectly infringed claims 1, 5, 17, 19, and 22 of the '024 patent with respect to its ddSEQ v1 products.
4. Bio-Rad has indirectly infringed claims 1, 6, 7, 9, and 21 of the '468 patent with respect to its ddSEQ v1 products.
5. 10X has not shown that any claims of the '204 patent are infringed by Bio-Rad.
6. Bio-Rad has indirectly infringed claims 1, 4, 11, 14, 19, 26, and 28 of the '530 patent with respect to its ddSEQ v1 products.
7. No claims of the '024 patent have been shown to be invalid.
8. No claims of the '468 patent have been shown to be invalid.
9. No claims of the '204 patent have been shown to be invalid.
10. No claims of the '530 patent have been shown to be invalid.
11. The domestic industry requirement is satisfied with respect to claims of the '024 patent.
12. The domestic industry requirement is satisfied with respect to claims of the '468 patent.
13. The domestic industry requirement is satisfied with respect to claims of the '204 patent.
14. The domestic industry requirement is satisfied with respect to claims of the '530 patent.
15. Bio-Rad has failed to carry its burden with respect to its allegations of improper inventorship, ownership, and other affirmative defenses.

SO ORDERED.

Dee Lord

Dee Lord
Administrative Law Judge

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PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served by hand upon the Commission Investigative Attorney, **Monica Bhattacharyya, Esq.**, and the following parties as indicated, on **July 12, 2019**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
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On Behalf of Complainants 10X Genomics, Inc.:

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On Behalf of Respondents Bio-Rad Laboratories, Inc.:

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