

(“tb249835650”), Yuyoufang Foreign Trade Store d/b/a “Ten Mile Chunfeng Store BBC20199” (“Yuyoufang”) and Xu Wengping 123 d/b/a “Cinderella Fashion House 888” (“Xu Wengping”) of Zhongshan City, China; and Ynwl d/b/a “Xiao Chenchen’s foreign trade shoes” (“Ynwl”) of Huilonguan, China (collectively, “Respondents”). *Id.* The Office of Unfair Import Investigations (“OUII”) is also a party to this investigation. *Id.*

On May 5, 2025, the ALJ issued an order (Order No. 7) granting Complainant’s motion for an order to show cause and entry of default and directing the Respondents to show cause why they should not be found in default no later than May 12, 2025. Order No. 7 at 3. The ALJ found that Respondent OneDrop was served with a copy of the notice of investigation, the complaint, and all public exhibits and appendices to the complaint by express delivery (Federal Express) on March 4, 2025; all other Respondents were served with these documents by hand delivery no later than March 25, 2025. *Id.* at 2. The ALJ found that the latest date any of the Respondents would have been required to respond to the complaint and notice of investigation was April 14, 2025, but as of the date of the order to show cause, *i.e.*, May 5, 2025, no Respondent had filed such a response or otherwise participated in the investigation. *Id.* at 3. The ALJ thus directed the Respondents to show cause, no later than May 12, 2025, as to why they should not be held in default. *Id.* No responses to the show cause order were filed.

On May 13, 2025, the ALJ issued Order No. 8 finding all Respondents in default after they failed to respond to the order to show cause. On June 3, 2025, the Commission determined not to review Order No. 8, thereby finding all Respondents in default. *See* Order No. 8 (May 13, 2025), *unreviewed by* Comm’n Notice (Jun. 3, 2025).

On July 23, 2025, the ALJ issued Order No. 10, granting Complainant’s motion for summary determination of violation of section 337. Specifically, the ID found a violation of section 337 by Piergitar, Bingxin Qingfeng, and tb249835650 based on the importation of products infringing the claims of the D’928, D’951, D’927, D’812, and D’853 patents. Order No. 10 at 14–31. The ID also found that the domestic industry requirement is satisfied as to those five patents and the evidence supporting its violation findings to be substantial, reliable, and probative. *Id.* at 31–38. No party disputed the validity of the Asserted Patents and thus, they are presumed valid. The ALJ recommended

a GEO based on the claims of the D’928, D’951, D’927, D’812, and D’853 patents under section 337(g)(2), as well as a bond of one hundred percent (100%) of the entered value of the infringing articles imported during the period of Presidential review. *Id.* at 38–42. The ALJ did not address Complainant’s request for an LEO under section 337(g)(1) against Respondents’ infringing articles, noting that “[u]nder Commission rules, the complaint’s assertions surrounding these acts are assumed to be true, and limited exclusion orders must issue.” *Id.* at 13–14. The ID also terminated the investigation before the ALJ. *Id.* at 42. No party filed a petition for review of the subject ID.

On September 8, 2025, the Commission determined to review the subject ID’s findings regarding the economic prong of the domestic industry and affirm the remainder of the ID. 90 FR 43629–630 (Sept. 10, 2025). The Commission also sought briefing on remedy, the public interest, and bonding. *Id.*

On September 22, 2025, Complainant and OUII filed written submissions on remedy, the public interest, and bonding. On September 29, 2025, Complainant and OUII each filed a reply. No other submissions were filed.

On April 16, 2026, the Commission requested the parties to submit additional briefing directed to the expiration dates of the Asserted Patents. Comm’n Notice (Apr. 16, 2026).

Complainant filed a reply on April 23, 2026. Having reviewed the record of the investigation, including the RD and the parties’ submissions, and as more fully explained in the Opinion, the Commission has determined that Complainant has met the economic prong of the domestic industry requirement as to the D’928, D’951, D’927, D’812, and D’853 patents, and therefore a violation under section 337 has occurred. Specifically, the Commission finds that the Complainant has established that the economic prong of domestic industry section 337(a)(3)(B) and takes no position as to whether the economic prong has been established under subsection (A).

The Commission has determined to issue (1) a GEO prohibiting the importation of products that infringe the claims of the D’928, D’951, D’927, D’812, or D’853 patents; and (2) an LEO prohibiting entry of products that infringe (i) the claims of the D’950 or D’032 patents as to defaulting respondents OneDrop, Craze, Piergitar, Guangzhou Shun Cheng, Shengze Trading Company, Huihui, Bingxin

Qingfeng, Baiqiuju1983, tb249835650, Yuyoufang, Xu Wengping, and Ynwl, (ii) the claim of the D’032 patent as to defaulting respondents OneDrop, Piergitar, Bingxin Qingfeng, tb249835650, and Yuyoufang, and (iii) the Asserted Trade Dress as to defaulting respondents OneDrop, Craze, Piergitar, Guangzhou Shun Cheng, Shengze Trading Company, Huihui, Bingxin Qingfeng, Baiqiuju1983, tb249835650, Yuyoufang, Xu Wengping, and Ynwl.

The Commission has further determined that the public interest factors enumerated in subsections (d)(l) and (g)(1) (19 U.S.C. 1337(d)(l), (g)(1)) do not preclude issuance of the above referenced remedial orders.

Additionally, the Commission has determined to impose a bond of one hundred percent (100%) of entered value of the covered products during the period of Presidential review. 19 U.S.C. 1337(j). The investigation is terminated.

The Commission vote for this determination took place on June 3, 2026.

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: June 3, 2026.

Lisa Barton,

Secretary to the Commission.

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1471]

Certain Clear Aligners and Components Thereof; Notice of a Commission Determination Not To Review an Initial Determination Granting In Part a Motion To Amend the Complaint and Notice of Investigation

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 the presiding chief administrative law judge’s (“CALJ”) initial determination (“ID”) (Order No. 11) granting a motion to amend the complaint and notice of investigation (“NOI”) to (1) add allegations of

infringement of claim 24 for U.S. Patent No. 11,766,313 (“the ‘313 patent”); (2) add allegations of infringement of claim 28 for U.S. Patent No. 11,766,314 (“the ‘314 patent”); (3) add allegations of infringement of claims 2 and 14 for U.S. Patent No. 8,866,977 (“the ‘977 patent”); and (4) add allegations of infringement of claim 9 for U.S. Patent No. 10,980,616 (“the ‘616 patent”).

FOR FURTHER INFORMATION CONTACT:

Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3042. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.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 December 29, 2025, the Commission instituted this investigation based on a complaint filed by Align Technology, Inc. of Tempe, Arizona (“Align”). 90 FR 245 (Dec. 29, 2025). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain clear aligners and components thereof by reason of infringement of one or more of claims 1 and 16 of the ‘313 patent; claims 1, 11, and 21 of the ‘314 patent; claims 1 and 9 of the ‘977 patent; claim 1 of U.S. Patent No. 12,059,321; claims 1, 12, and 20 of the ‘616 patent; and claims 1, 17, and 21 of U.S. Patent No. 11,490,996 (“the ‘996 patent”). *Id.* The Commission’s notice of investigation named the following respondents: Angelalign Technology Inc. of Shanghai, China; Wuxi EA Medical Instruments of Jiangsu, China; Wuxi EA Bio-Tech Co., Ltd. of Jiangsu, China; Shanghai EA Medical Instruments Co. of Shanghai, China; and USA Angelalign Technology Corp. of Newark, Delaware (collectively, “Respondents”). The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

On April 14, 2026, Align moved under 19 CFR 210.14 to amend the complaint and NOI to (1) withdraw allegations of infringement of claim 16 and add allegations of infringement of

claim 24 for the ‘313 patent; (2) withdraw allegations of infringement of claim 21 and add allegations of infringement of claim 28 for the ‘314 patent; (3) withdraw allegations of infringement of claims 1 and 9 and add allegations of infringement of claims 2 and 14 for the ‘977 patent; (4) withdraw allegations of infringement of claim 1 and add allegations of infringement of claim 9 for the ‘616 patent; and (5) withdraw allegations of infringement of all asserted claims, claims 1, 17, and 21, of the ‘996 patent. *Id.* at 1–2. Align argued that good cause exists for this amendment because it promptly moved to add the new claims after it received Respondents technical information and inspected Respondents’ treatment plans and determined it had sufficient information to assert the new claims in good faith. Align further argued that terminating claims would narrow the case and streamline the investigation. *Id.* at 3. Respondents opposed the motion, arguing that “Align had all the information it needed to assert the New Claims when it filed the Complaint in September 2025, and chose not to do so.” *Id.* at 4. Respondents further argued that “‘Align’s purported narrowing of its own case is illusory’ in that the new claims ‘depend directly or indirectly from the independent claims Align purports to remove’ and thus ‘the limitations of the independent claims purportedly being removed are still part of this Investigation.’” *Id.* at 3.

On March 7, 2022, the CALJ issued the subject ID, granting the motion but only as to adding the new claims. The ID observed that Commission Rule 210.14(b) proves in part that [a]fter an investigation has been instituted, the complaint and notice of investigation may be amended only by leave of the Commission for good cause shown and upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties to the investigation.

Id. at 2 (citing 19 CFR 210.14(b)). The ID found that good cause exists to amend the complaint and NOI to add the new claims because “adjudicating the proposed claims here—rather than postponing them to subsequent litigation—will be a more efficient use of judicial and party resources.” *Id.* at 4. The ID also found that Respondents were “on notice that Align intended to assert the new claims at least as early as February 27, 2026, when it received Align’s initial responses to contention interrogatories” and “will have had time to explore defenses before the close of fact discovery on May 7, 2026, and the close of expert discovery on June 15,

2026.” *Id.* The ID denied Align’s motion to withdraw claims because Align did not comply with Commission Rules for terminating claims. *Id.* (citing 19 CFR 210.21(a)(1)).

On May 11, 2026, Respondents filed a petition for review challenging the ID’s finding that Align showed good cause to amend the complaint and NOI. On May 18, 2026, Align filed a response to Respondents’ petition.

Having reviewed the current record of the investigation, including the ID, the parties’ submissions to the CALJ, the petitions for review, and the responses thereto, the Commission has determined not to review the subject ID. The Commission notes that Align is adding allegations of infringement with respect to dependent claims found in patents that are already asserted in the investigation. Moreover, Align timely moved to add these claims after it received technical information necessary to evaluate infringement of the new claims. *See* ID at 4. In addition, Align has stated that it is amenable to Respondents supplementing their contention interrogatory responses and other adjustments “to address the Dependent Claims” added by the amendment. *Id.* The Commission further notes that nothing prevents the Respondents from petitioning the CALJ to extend the time to accommodate the newly asserted dependent claims if necessary. The following claims have been added to the investigation: (1) claim 24 of the ‘313 patent; (2) claim 28 of the ‘314 patent; (3) claims 2 and 14 of the ‘977 patent; and (4) claim 9 of the ‘616 patent.

The Commission vote for this determination took place on June 3, 2026.

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: June 3, 2026.

Lisa Barton,

Secretary to the Commission.

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