

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN COLOR INTRAORAL
SCANNERS AND RELATED
HARDWARE AND SOFTWARE**

Inv. No. 337-TA-1091

**ORDER DENYING REQUEST FOR ENTRY INTO EARLY DISPOSITION PILOT
PROGRAM**

On November 28, 2017, Respondents 3Shape A/S and 3Shape, Inc. (collectively “3Shape”) submitted a letter (the “Request”) requesting that the Commission utilize the Early Disposition Pilot Program to determine whether Complainant Align Technology, Inc. (“Align”) can meet the domestic industry requirement. *See* November 28, 2017 Letter to Secretary. In 3Shape’s view, “there are significant issues as to whether Align can meet the domestic industry requirement,” and “[e]arly resolution of this threshold issue, which is common to this Complaint and the companion Complaint in Docket No. 3274, would greatly conserve the resources of the Commission and the parties, consistent with the goals of the 100-day Pilot Program.” *Id.* at 1.

Aligns filed a letter opposing the Request (the “Response”). *See* December 4, 2017 Letter to Secretary. Aligns responds that its supplemental filings, filed on December 4, 2017, “render 3Shape’s Request moot.” *Id.* at p. 1. Align further responds that “[t]he record contains substantial and quantitative evidence of domestic industry activities and expenditures that indisputably qualify under § 1337(a)(3),” and “[b]ifurcating these issues by referral to the Early Disposition Pilot Program on this record would not conserve resources as postulated by 3Shape, but would unnecessarily increase the burden, cost, and delay of this requested investigation.” *Id.*

at pp. 6-7.

The Commission has determined not to use the Early Disposition Pilot Program for this investigation. The Request, and the Response thereto, demonstrate that the issues raised may be too complex to be decided within 100 days of institution.

Accordingly, the Commission hereby **DENIES** the Request.

The Secretary shall serve copies of this Order upon each party of record in this investigation.

By order of the Commission.

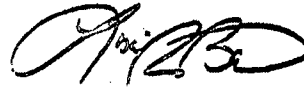


Lisa R. Barton
Secretary to the Commission

Issued: December 14, 2017

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER, COMMISSION** has been served upon the following parties as indicated, on 12/14/2017



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

On Behalf of Complainants Align Technology, Inc.:

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Respondents:

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