

United States International Trade Commission Clears OFS of Allegations by DSM Desotech on Fiber Coatings

Norcross, Georgia, May 14, 2018 - OFS Fitel LLC (“OFS”) announced today that a May 8, 2018 Notice of Final Determination by the United States International Trade Commission (ITC) cleared OFS, a manufacturer of optical fiber products, of all allegations by DSM Desotech, a Dutch company, that OFS optical fiber and the coating used on that fiber violated Section 337 of the Tariff Act of 1930, as amended. The Final Determination found that all claims asserted by DSM at the ITC are invalid.

OFS, based in Norcross, Georgia, and its coating supplier Momentive UV Coatings Co., Ltd. were alleged to have infringed four DSM U.S. patents pertaining to optical fiber coatings and optical fiber made with those coatings, which were imported and sold in the U.S. The Commission’s Final Determination, affirming in part and reversing in part a preliminary decision from an Administrative Law Judge, found all claims asserted by DSM were invalid and terminated the investigation.

Dr. Timothy F. Murray, CEO and Chairman of OFS said: “OFS takes pride and care in use of our technology developed through decades of sustained research and development and innovation. OFS also respects the intellectual property rights of others, but will vigorously defend ourselves when we believe we are targeted with baseless attacks. We were surprised to be charged with patent infringement based on the use of coatings to make optical fiber by DSM, a foreign coatings manufacturer who supplies cable coating products to OFS and has been a supplier of fiber coatings in the past. It is a measure of the strength of our US system of commercial and intellectual property law that foreign companies come to this country to seek just treatment. We appreciate the diligence and care taken by the ITC to hear and understand the arguments of both parties in delivering this ruling. The invalidation of the claims in the patents asserted by DSM is a cautionary note to those who attempt to use unsupportable positions to threaten action.”

OFS was represented by Barnes and Thornburg.

About OFS

OFS is a world-leading designer, manufacturer and provider of optical fiber, fiber optic cable, connectivity, fiber-to-the-subscriber (FTTx) and specialty fiber optic products. We put our development and manufacturing resources to work creating solutions for applications in such areas as telecommunications,

medicine, industrial automation, sensing, aerospace, defense and energy. We provide reliable, cost-effective fiber optic solutions that help our customers meet the needs of consumers and businesses today and into the future.

Headquartered in Norcross (near Atlanta) Georgia, U.S.A., OFS is a global provider with facilities in China, Denmark, Germany, Russia and the United States. OFS is part of Furukawa Electric Company, a multi-billion dollar leader in optical communications.

Please visit www.ofsoptics.com.

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