

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C.**

In the Matter of	)	
	)	
	)	
CERTAIN AUTOMATED MECHANICAL	)	
TRANSMISSION SYSTEMS FOR	)	Inv. No. 337-TA-503
MEDIUM-DUTY AND HEAVY-DUTY	)	
TRUCKS AND COMPONENTS THEREOF	)	
	)	

**NOTICE OF COMMISSION DECISION NOT TO REVIEW  
AN INITIAL DETERMINATION THAT  
THE IMPORTATION REQUIREMENT HAS BEEN MET**

**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 administrative law judge's ("ALJ's") initial determination ("ID")(Order No. 38) that the importation requirement has been met.

**FOR FURTHER INFORMATION CONTACT:** Wayne Herrington, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3090. Copies of the ALJ's ID and all other nonconfidential 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, S.W., Washington, D.C. 20436, telephone 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on January 7, 2004, based on a complaint filed by Eaton Corporation of Cleveland, Ohio. 69 Fed. Reg. 936

(January 7, 2004). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain automated mechanical transmissions for medium-duty and heavy-duty trucks, and components thereof, by reason of infringement of claim 15 of U.S. Patent No. 4,899,279 (“the ‘279 patent”); claims 1-20 of U.S. Patent No. 5,335,566 (“the ‘566 patent”); claims 2-4 and 6-16 of U.S. Patent No. 5,272,939 (“the ‘939 patent”); claims 1-13 of U.S. Patent No. 5,624,350 (“the ‘350 patent”); claims 1, 3, 4, 6-9, 11, 13, 14, 16, and 17 of U.S. Patent No. 6,149,545 (“the ‘545 patent”); and claims 1-16 of U. S. Patent No. 6,066,071 (“the ‘071 patent”). The complaint and notice of investigation named three respondents: ZF Meritor LLC, of Maxton, North Carolina; ZF Friedrichshafen AG, of Friedrichshafen, Germany; and ArvinMeritor, Inc., of Troy, Michigan.

On July 21, 2004, the Commission issued notice that it had determined not to review ALJ Order No. 20, terminating the investigation as to the ‘071 patent and as to claims 2, 3, and 5-20 of the ‘566 patent, claims 4, 7, and 12 of the ‘350 patent, and claims 4, 8-9, and 14 of the ‘545 patent. On August 11, 2004, the Commission issued notice that it had determined not to review ALJ Order No. 31, terminating the investigation as to the ‘939 patent and as to claims 10, 11, and 13 of the ‘350 patent. On August 23, 2004, the Commission issued notice that it had determined not to review ALJ Order No. 30, determining that complainant did not meet the technical prong of the domestic industry requirement as to the ‘350 patent, thus terminating the investigation as to that patent.

On July 21, 2004, pursuant to Commission rule 210.18, complainant moved for partial summary determination that the importation requirement has been met. On August 12, 2004, the ALJ issued the subject ID, granting complainant’s motion. The ALJ stated that the importation requirement can be established irrespective of any determination of infringement of the patents in issue and did not make a determination of direct or indirect patent infringement. Respondents petitioned for review of the subject ID. Complainant and the Commission investigative attorney filed oppositions to that petition.

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 section 210.42 of the Commission’s Rules of Practice and Procedure (19 C.F.R. 210.42).

By order of the Commission.

Marilyn R. Abbott  
Secretary to the Commission

Issued: September 17, 2004