UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of
CERTAIN COMPOSITE AEROGEL INSULATION MATERIALS AND METHODS FOR MANUFACTURING THE SAME

LIMITED EXCLUSION ORDER

The Commission has determined that there is a violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), in the unlawful importation, sale for importation, and sale after importation by respondents Nano Tech Co., Ltd. ("Nano") of Zhejiang, China, and Guangdong Alison Hi-Tech Co., Ltd. ("Alison") of Guangzhou, China, of certain composite aerogel insulation materials by reason of infringement of U.S. Patent Nos. 7,078,359 ("the '359 patent"); 6,989,123 ("the '123 patent"); and 7,780,890 ("the '890 patent").

Having reviewed the record of this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of infringing composite aerogel insulation materials that are manufactured abroad by or on behalf of, or imported by or on behalf of Respondents or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns.

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. §§ 1337(d) do not preclude the issuance of the limited exclusion order.
During the Presidential review period, the Commission has further determined to set a bond of one hundred (100) percent of the entered value for all infringing products manufactured by, for, or on behalf of Respondents.

Accordingly, the Commission hereby ORDERS that:

1. Composite aerogel insulation materials that infringe one or more of claims 1, 7, and 9 of the '359 patent and that are manufactured abroad by or on behalf of, or imported by or on behalf of Respondents Alison and Nano or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, are excluded from entry for consumption into the United States, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, for the remaining term of the patent, except under license of the patent owner or as provided by law.

2. Composite aerogel insulation materials that infringe one or more of claims 12, 15, and 16 of the '359 patent and that are manufactured abroad by or on behalf of, or imported by or on behalf of Respondent Nano or any of its affiliated companies, parents, subsidiaries, or other related business entities, or its successors or assigns, are excluded from entry for consumption into the United States, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, for the remaining term of the patent, except under license of the patent owner or as provided by law.

3. Composite aerogel insulation materials that are manufactured using the process in claims 15-17, and 19 of the '123 patent; and claims 11-13, 15, 17-19, and 21 of the '890 patent; and that are manufactured abroad by or on behalf of, or imported by or on behalf of Respondents Alison and Nano or any of their affiliated
companies, parents, subsidiaries, or other related business entities, or their
successors or assigns, are excluded from entry for consumption into the United
States, entry for consumption from a foreign trade zone, or withdrawal from a
warehouse for consumption, for the remaining term of the patent, except under
license of the patent owner or as provided by law.

4. Notwithstanding paragraphs 1-3 of this Order, the aforesaid composite aerogel
insulation materials are entitled to entry into the United States for consumption,
entry for consumption from a foreign-trade zone, or withdrawal from a warehouse
for consumption under bond in the amount of one hundred (100) percent of the
entered value for all infringing products pursuant to subsection (j) of Section 337
(19 U.S.C. § 1337(j)) and the Presidential Memorandum for the United States
Trade Representative of July 21, 2005 (70 Fed. Reg. 43,251), from the day after
this Order is received by the United States Trade Representative until such time as
the United States Trade Representative notifies the Commission that this Order is
approved or disapproved but, in any event, not later than sixty days after the date
of receipt of this Order.

5. At the discretion of U.S. Customs and Border Protection ("CBP") and pursuant to
procedures that it establishes, persons seeking to import composite aerogel
insulation materials that are potentially subject to this Order may be required to
certify that they are familiar with the terms of this Order, that they have made
appropriate inquiry, and thereupon state that, to the best of their knowledge and
belief, the products being imported are not excluded from entry under one or more
of paragraphs 1-3 of this Order. At its discretion, CBP may require persons who
have provided the certification described in this paragraph to furnish such records or analyses as are necessary to substantiate the certification.

6. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to composite aerogel insulation materials that are imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.

7. The Commission may modify this Order in accordance with the procedures described in section 210.76 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.76).

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

9. Notice of this Order shall be published in the Federal Register.

By order of the Commission.

[Signature]
Lisa R. Barton
Secretary to the Commission

Issued: February 5, 2018
CERTAIN COMPOSITE AEROGEL INSULATION
MATERIALS AND METHODS FOR MANUFACTURING
THE SAME

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached ORDER has been served by hand upon the Commission Investigative Attorney, Yoncha Kundupoglu, Esq., and the following parties as indicated, on February 5, 2018.

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

On Behalf of Complainants Aspen Aerogels, Inc.:

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On Behalf of Respondent Guangdong Alison Hi-Tech Co., Ltd.:

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On Behalf of Respondent Nano Tech Co., Ltd.:

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