

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN COMPOSITE AEROGEL
INSULATION MATERIALS AND
METHODS FOR MANUFACTURING
THE SAME**

Investigation No. 337-TA-1003

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.



Lisa R. Barton
Secretary to the Commission

Issued: February 5, 2018

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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
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