

**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**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING COMPLAINANT’S UNOPPOSED MOTION FOR  
TERMINATION OF THIS INVESTIGATION WITH RESPECT TO CERTAIN  
ASSERTED PATENTS AND PATENT CLAIMS**

**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 an initial determination (“ID”) issued by the presiding administrative law judge (“ALJ”) (Order No. 28) granting complainant’s unopposed motion seeking partial termination of this investigation by withdrawing certain asserted claims and associated infringement allegations.

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3115. Copies of non-confidential 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 at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://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 under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“section 337”), on June 8, 2016, based on a complaint filed by Aspen Aerogels, Inc. of Northborough, Massachusetts (“Aspen,” or “Complainant”). 81 *Fed. Reg.* 36955-56 (Jun. 8, 2016). The complaint alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 6,989,123; 7,078,359 (“the ‘359 patent’”); 7,399,439 (“the ‘439 patent’”); 7,780,890; and 9,181,486 (“the ‘486 patent’”). The notice of investigation named Nano Tech Co., Ltd., of

Zhejiang, China, and Guangdong Alison Hi-Tech Co., Ltd., of Guangzhou, China, as respondents. The Commission's Office of Unfair Import Investigations was named as a party.

On January 11, 2017, pursuant to Commission Rule 210.21(a)(1), Complainant filed an unopposed motion seeking partial termination of this investigation by withdrawing the following asserted claims and associated infringement allegations: (1) all asserted claims (*i.e.*, claims 1-4, 6, 7-9, 15-16, and 18-21) of the '439 patent and the '439 patent in its entirety; (2) all asserted claim (*i.e.*, claims 1, 2, and 11) of the '486 patent and the '486 patent in its entirety; and (3) asserted claims 2, 3, 6, 13, 14, 18, 49, and 50 of the '359 patent. Mot. at 1.

On January 17, 2017, the ALJ issued an ID (Order No. 28) in which she granted the motion. The ALJ found that there are no extraordinary circumstances that would justify denying Complainant's motion. Order No. 28 at 2-3. No party petitioned for review of the subject ID, and the Commission has determined not to review it.

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 Part 210 of the Commission's Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton  
Secretary to the Commission

Issued: February 9, 2017