

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 COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING AN UNOPPOSED MOTION FOR PARTIAL
TERMINATION OF THE INVESTIGATION AS TO CERTAIN 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”) (Order No. 17) of the presiding administrative law judge (“ALJ”) granting an unopposed motion for partial termination of the investigation as to certain claims.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-4716. 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, SW., 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 Investigation No. 337-TA-1003 on June 8, 2016, based on a complaint filed by Aspen Aerogels, Inc. of Northborough, Massachusetts (“Complainant” or “Aspen”). *See* 81 Fed. Reg. 36955-56 (June 8, 2016). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain composite aerogel insulation materials and methods for manufacturing the same by reason of infringement of certain claims of U.S. Patent No. 6,989,123 (“the ’123 patent”); U.S. Patent No. 7,078,359 (“the ’359 patent”); U.S. Patent No. 7,399,439 (“the ’439 patent”); U.S. Patent No. 7,780,890 (“the ’890 patent”); and U.S. Patent No. 9,181,486 (“the ’486 patent”). *See id.* The notice of investigation named Nano Tech Co., Ltd. (“Nano”) of Shaoxing, Zhejiang, China and Guangdong Alison Hi-Tech Co., Ltd. (“Alison”) of

Guangzhou, China, as respondents in this investigation. *See id.* The Office of Unfair Import Investigations is also a party to this investigation. *See id.*

On October 6, 2016, pursuant to Commission Rule 210.21(a)(1), Complainant Aspen filed an unopposed motion for partial termination of the investigation as to certain claims (Motion Docket No. 1003-011), based on the withdrawal of the following infringement allegations: (1) claims 1-4, 6-9, 15-16, and 18-21 (*i.e.*, all asserted claims) of the '439 patent asserted against Respondent Nano are withdrawn; (2) claims 10, 12-18, and 50 of the '359 patent asserted against Respondent Alison are withdrawn; and (3) claims 10 and 17 of the '359 patent asserted against Respondent Nano are withdrawn.

On October 12, 2016, the ALJ issued the ID (Order No. 17) granting Complainant Aspen's motion (Motion Docket No. 1003-011). In accordance with Commission Rule 210.21(a)(1), the ALJ noted that "there are no agreements, written or oral, express or implied, between the parties concerning the subject matter of the Investigation." *See ID* at 1 (citing Mot. at 2); 19 CFR 210.21(a)(1). In addition, the ALJ found "no extraordinary circumstances" preventing the partial termination of the investigation. *See ID* at 2.

No petition for review of the ID was filed, and the Commission has determined not to review the ID.

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 CFR part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: November 2, 2016