

**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 TO REVIEW IN PART AN INITIAL  
DETERMINATION GRANTING COMPLAINANT’S MOTION FOR SUMMARY  
DETERMINATION THAT IT SATISFIES THE ECONOMIC PRONG OF THE  
DOMESTIC INDUSTRY REQUIREMENT, AND ON REVIEW TO STRIKE A PART OF  
THE SUMMARY DETERMINATION**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review in part an initial determination (“ID”) issued by the presiding administrative law judge (“ALJ”) (Order No. 19) granting complainant’s motion for summary determination that it satisfies the economic prong of the domestic industry requirement, and on review, to strike a portion of the ID. The Commission’s action does not disturb the summary determination that complainant satisfies the economic prong of the domestic industry requirement.

**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; 7,399,439; 7,780,890; and 9,181,486. The notice of investigation named Nano Tech Co., Ltd., of Zhejiang, China, and Guangdong Alison Hi-Tech Co., Ltd., of Guangzhou, China (“Alison,” or “Respondent”), as respondents. The Commission’s Office of Unfair Import Investigations was named as a party.

On October 31, 2016, pursuant to Commission Rule 210.18, Complainant filed a motion for summary determination that it satisfies the economic prong of the domestic industry requirement under 19 U.S.C. § 1337(a)(3)(A) and (B). On November 7, 2016, the Commission investigative attorney (“the IA”) filed a response to Complainant’s motion. The IA did not oppose or contest either Complainant’s motion or its Statement of Material Facts. On November 7, 2016, Respondent Alison filed a response in which it stated that it does not contest that Complainant is able to satisfy the economic prong of the domestic industry requirement, but that it does contest that Complainant’s products and processes practice the asserted patents. No other responses were filed.

On November 15, 2016, the ALJ issued an ID (Order No. 19) granting Complainant’s motion. No party petitioned for review of the ALJ’s ID.

The Commission has determined to review the ID in part and, on review, to strike the ID’s summary discussion in two full paragraphs on page 9 of the ID. No other part of the ID has been reviewed.

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.



Lisa R. Barton  
Secretary to the Commission

Issued: December 7, 2016