

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN HYBRID ELECTRIC VEHICLES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1042

**NOTICE OF COMMISSION DECISION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING A MOTION
TO TERMINATE THE INVESTIGATION AS TO ONE ASSERTED PATENT,
AND CERTAIN CLAIMS OF THREE ADDITIONAL ASSERTED PATENTS**

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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 12), which granted a motion to terminate the investigation as to all of the asserted claims of one asserted patent, and certain asserted patent claims of three other asserted patents, in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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 TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on March 10, 2017, based on a complaint, supplemented by letters, filed by Paice LLC and Abell Foundation, Inc. both of Baltimore, Maryland (collectively, "Paice"). 82 FR 13363 (Mar. 10, 2017). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain hybrid electric

vehicles and components thereof by reason of the infringement of certain claims of five United States patents: U.S. Patent No. 7,104,347 (“the ’347 patent”); U.S. Patent No. 7,237,634 (“the ’634 patent”); U.S. Patent No. 7,455,134; U.S. Patent No. 7,559,388 (“the ’388 patent”); and U.S. Patent No. 8,214,097 (“the ’097 patent”). The notice of investigation named as the respondent Ford Motor Company of Dearborn, Michigan (“Ford”). The Office of Unfair Import Investigations was not named as a party.

On June 6, 2017, Paice moved to withdraw infringement allegations in its complaint and terminate the investigation as to claims 1, 7, 10, 15, 23, 36, and 37 of the ’347 patent; claims 1, 16, 18, 80, 98, 99, 215, and 235 of the ’634 patent; claim 1 of the ’388 patent; and claims 21, 30, and 32-34 of the ’097 patent (*i.e.*, all of the asserted claims of the ’097 patent). *See* 19 CFR 210.21(a)(1). Ford took no position on the motion. On June 7, 2017, the ALJ granted the motion as the subject ID (Order No. 12), finding that the motion complies with Commission rules, and that good cause supported granting the motion. ID at 2. The ID explains that each of these patent claims had been found invalid by the U.S. Patent Trial and Appeal Board, whose decision had been affirmed by the U.S. Court of Appeals for the Federal Circuit. *Id.*

No petitions for review of the ID were filed. 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 C.F.R. Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized and cursive.

Lisa R. Barton
Secretary to the Commission

Issued: June 26, 2017