

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN THERMOPLASTIC-
ENCAPSULATED ELECTRIC
MOTORS, COMPONENTS THEREOF,
AND PRODUCTS AND VEHICLES
CONTAINING SAME**

Investigation No. 337-TA-1052

**NOTICE OF A COMMISSION DECISION TO DENY A MOTION FOR SANCTIONS
AND GRANT A MOTION FOR LEAVE TO SUPPLEMENT A RESPONSE, AND TO
DENY A SECOND MOTION FOR LEAVE TO SUPPLEMENT A RESPONSE**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to deny a motion for sanctions, to grant a motion for leave to supplement a response, and to deny a second motion for leave to supplement a response.

FOR FURTHER INFORMATION CONTACT: Amanda P. Fisherow, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2737. 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 the above-captioned investigation ("the 1052 investigation") on May 3, 2017, based on a complaint filed on behalf of Intellectual Ventures II LLC ("IV" or "complainant"). 82 FR 20633 (May 3, 2017). The complaint named twenty-five respondents, including Denso Corporation and Denso International America, Inc. (collectively, "Denso").

On August 3, 2017, the presiding administrative law judge issued an initial determination (Order No. 7) terminating the investigation. On August 15, 2017, complainant filed a motion with the Commission to withdraw the complaint and vacate Order No. 7. On September 19, 2017, the Commission granted IV's motion to withdraw the complaint, and terminated the 1052 investigation. 82 FR 44654 (Sept. 25, 2017). On August 11, 2017, IV filed a new complaint, which was subsequently withdrawn.

On October 3, 2017, IV filed a motion for sanctions against Adduci, Mastriani & Schaumberg, LLP ("Adduci") for repeated violations of Commission Rule 210.4(c). On October 13, 2017, Denso and the Office of Unfair Import Investigations ("OUII") each filed responses to the motion. On October 27, 2017, Denso and Adduci filed a motion for leave to supplement its October 13, 2017 response, together with a supplemental response. The Commission granted this motion for leave.

On June 19, 2018, Adduci filed a second motion for leave to supplement its October 13, 2017 response to the sanctions motion, with a second supplemental response. On June 29, 2018, complainant and its counsel, Mintz Levin Cohn Ferris Glovsky and Popeo P.C., filed a response opposing the motion for leave. On July 9, 2018, Adduci filed a reply. The Commission denied the second motion for leave.

Having reviewed the motion and responses thereto (including the October 27, 2017 supplemental response), the Commission finds no violation of Commission Rule 210.4(c). Accordingly, the Commission denies the motion for sanctions. The Commission cautions counsel and parties that presenting baseless or otherwise frivolous allegations—particularly when such an allegation is calculated to delay, or results in delaying, institution of a Commission investigation or is presented for any improper purpose—is subject to sanction under Commission Rules 210.4(c) and (d). Rule 210.4(d) provides, in part: "A representation need not be frivolous in its entirety in order for the administrative law judge or the Commission to determine that paragraph (c) has been violated. If any portion of a representation is found to be false, frivolous, misleading, or otherwise in violation of paragraph (c), a sanction may be imposed." 19 C.F.R. § 210.4(d).

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: August 13, 2019