

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

**In the Matter of**

**CERTAIN ROAD MILLING MACHINES  
AND COMPONENTS THEREOF**

**Investigation No. 337-TA-1067**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING IN PART AND DENYING IN PART  
COMPLAINANT'S MOTION FOR SUMMARY DETERMINATION THAT IT MEETS  
IMPORTATION REQUIREMENTS**

**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. 23) of the presiding administrative law judge ("ALJ") granting in part complainant's motion for summary determination that it meets the importation 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 August 25, 2017, based on a complaint filed by Wirtgen America, Inc. of Antioch, Tennessee ("Wirtgen"). 82 F.R. 40596-97 (Aug. 25, 2017). The complaint alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 9,644,340; 9,624,628; 9,656,530; 7,530,641; and 7,828,309. The complaint named as respondents Caterpillar Bitelli SpA of Minerbio, Italy ("Caterpillar Bitelli"); Caterpillar Prodotti Stradali S.r.L. of Minerbio, Italy ("Caterpillar Prodotti"); Caterpillar Americas CV of Geneva, Switzerland; Caterpillar Paving Products, Inc. of Minneapolis, MN ("Caterpillar Paving"); and Caterpillar Inc. of Peoria, IL as respondents ("Caterpillar Inc."). *Id.* at 40596. The Office of Unfair Import Investigations is named as a party in this investigation. *Id.* Subsequently, the investigation was terminated as to respondent Caterpillar Bitelli.

On January 23, 2018, complainant Wirtgen filed a motion, and memorandum in support thereof, seeking “summary determination that it meets the importation requirement [of section 337].” Mot. at 1. Wirtgen’s motion also includes a separate statement of undisputed material facts. Wirtgen argues that respondents Caterpillar Prodotti, Caterpillar Paving, and Caterpillar Inc. have imported, sold for importation, or sold within the United States “road milling machines and components thereof that infringe” one or more of the asserted claims. Mem. at 1 (citing 19 U.S.C. § 1337(a)(1)(B)).

On February 2, 2018, Caterpillar filed a response that partially opposed Wirtgen’s motion. On February 7, 2018, Wirtgen filed a reply, and Caterpillar did not oppose the reply. On February 15, 2018, the ALJ issued the subject ID (Order No. 23). The ID finds Wirtgen met the importation requirement as to some of the products at issue, and grants-in-part and denies-in-part Wirtgen’s motion. Order No. 23 at 20. 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 CFR Part 210.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton".

Lisa R. Barton  
Secretary to the Commission

Issued: March 19, 2018