

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 II**

Investigation No. 337-TA-1073

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING CERTAIN RESPONDENTS FROM THE
INVESTIGATION**

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. 48) terminating the investigation in part as to Bayerische Motoren Werke AG; BMW of North America, LLC; and BMW Manufacturing Co., LLC.

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 (<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 on October 11, 2017, based on a complaint filed by Intellectual Ventures II LLC (“Complainant”) of Bellevue, Washington. 82 FR 47250-51 (Oct. 11, 2017). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“section 337”), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain thermoplastic-encapsulated electric motors, components thereof, and products and vehicles containing same by reason of infringement of certain claims of U.S. Patent

Nos. 7,154,200; 7,067,944; 7,067,952; 7,683,509; and 7,928,348. *Id.* The notice of investigation named numerous respondents, including: Bayerische Motoren Werke AG of Munich, Germany; BMW of North America, LLC of Woodcliff Lake, New Jersey; and BMW Manufacturing Co., LLC of Greer, South Carolina (collectively “BMW”). The Office of Unfair Import Investigations (“OUII”) also was named as a party to the investigation. *Id.*

On July 30, 2018, Complainant and BMW filed a joint motion to terminate the investigation as to BMW based on a Settlement and Patent License Agreement between the parties. The joint motion stated that there are no other agreements, written or oral, express or implied, between the parties concerning the subject matter of the investigation. OUII supported the motion and the other respondents did not take a position on the motion.

On August 13, 2018, the ALJ issued an order granting the joint motion to terminate BMW. The ALJ found that there is no evidence indicating that terminating the investigation as to BMW would be contrary to the public interest. No petitions for review were filed.

The Commission has determined not to review the subject 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: August 27, 2018