

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN GAS SPRING NAILER
PRODUCTS AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1082

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING A JOINT MOTION FOR PARTIAL TERMINATION
OF THE INVESTIGATION AS TO ONE OF THE 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 an initial determination (“ID”) (Order No. 13) of the Chief Administrative Law Judge (“CALJ”) granting a joint motion for partial termination of the investigation as to one of the asserted patents based on the withdrawal of the allegations pertaining to that patent.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-4716. 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 SW., 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: On November 20, 2017, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on an amended and supplemented complaint filed by Complainant Kyocera Senco Brands Inc. (“Kyocera”) of Cincinnati, Ohio. *See* 82 FR 55118-19 (Nov. 20, 2017). The amended complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain gas spring nailer products and components thereof, by reason of infringement of one or more of U.S. Patent No. 8,011,547 (“the ’547 patent”); U.S. Patent No. 8,267,296; U.S. Patent No. 8,267,297; U.S. Patent No. 8,387,718; U.S. Patent No. 8,286,722; and U.S. Patent No. 8,602,282. *See id.* The amended complaint named one respondent, namely,

Hitachi Koki U.S.A., Limited (“Hitachi”) of Braselton, Georgia. The Office of Unfair Import Investigations is not a party to the investigation. *See id.*

On May 30, 2018, the parties filed a joint motion (*Motion*) to partially terminate the investigation with respect to the ’547 patent, based on the withdrawal of the allegations pertaining to that patent. On June 4, 2018, the CALJ issued the subject ID (Order No. 13) granting the *Motion*. The ID notes that “[i]n satisfaction of Commission Rule 210.21(a)(1), [the parties] certify that ‘there are no agreements, written or oral, express or implied, between the parties concerning the subject matter of this Investigation.’” *See ID* at 1. The ID further finds that “no extraordinary circumstances exist that would prevent the requested partial termination of this Investigation.” *See id.* at 2.

No petition for review of the subject ID was 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 CFR part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton", enclosed within a large, loopy oval shape.

Lisa R. Barton
Secretary to the Commission

Issued: June 22, 2018