

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN BATTERIES AND
ELECTROCHEMICAL DEVICES
CONTAINING COMPOSITE
SEPARATORS, COMPONENTS
THEREOF, AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-1087

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN
INITIAL DETERMINATION EXTENDING THE TARGET DATE**

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. 41) of the presiding administrative law judge (“ALJ”). The subject ID extends the target date by six weeks, from April 30, 2019, to June 11, 2019, in view of a lapse in government appropriations and partial government shutdown.

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: The Commission instituted this investigation on November 28, 2017, based on a complaint, as supplemented, filed by LG Chem, Ltd. of South Korea; LG Chem Michigan Inc. of Holland, Michigan; LG Chem Power Inc. of Troy, Michigan; and Toray Industries, Inc. of Japan. *See* 82 FR 56265-6 (Nov. 28, 2017). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain batteries and electrochemical devices containing composite

separators, components thereof, and products containing same, by reason of infringement of certain claims of U.S. Patent No. 7,662,517; U.S. Patent No. 7,638,241; and U.S. Patent No. 7,709,152. *See id.* The notice of investigation names: Amperex Technology Limited of Hong Kong; DJI Technology Co., Ltd. of Shenzhen, China; DJI Technology, Inc. of Burbank, California; Guangdong OPPO Mobile, Telecommunications Corp., Ltd. of Guangdong, China; and OPPO Digital, Inc. of Menlo Park, California, as respondents in this investigation. *See id.* The Office of Unfair Import Investigations is not a party to this investigation. *See id.*

On November 26, 2018, the ALJ issued an initial determination extending the target date from March 28, 2019, to April 30, 2019. *See* Corrected Order No. 39 (Nov. 26, 2018), *unreviewed*, Comm'n Notice (Dec. 11, 2018). On December 19, 2018, the ALJ issued Order No. 40 setting a December 27, 2018 deadline for the parties to file a motion to terminate the investigation in view of the parties' settlement.

On January 29, 2019, in view of a lapse in government appropriations and partial government shutdown, the ALJ issued the subject ID (Order No. 41) extending the target date by six weeks, from April 30, 2019, to June 11, 2019. *See* ID at 1. The ID also sets the deadline for issuing a final initial determination to February 11, 2019, and the deadline for the parties to file a motion to terminate the investigation to January 31, 2019. *See id.*

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.



Lisa R. Barton
Secretary to the Commission

Issued: February 12, 2019