

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

**In the Matter of**

**CERTAIN ROAD CONSTRUCTION  
MACHINES AND COMPONENTS  
THEREOF**

**Investigation No. 337-TA-1088**

**NOTICE OF A COMMISSION DETERMINATION TO EXTEND THE DATE FOR  
DETERMINING WHETHER TO REVIEW AN INITIAL DETERMINATION  
GRANTING RESPONDENTS' MOTION FOR SUMMARY DETERMINATION THAT  
CLAIMS 1-5, 8, 9, AND 12-17 OF U.S. PATENT  
NO. 9,045,871 ARE DIRECTED TO INELIGIBLE SUBJECT MATTER  
UNDER 35 U.S.C. § 101**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to extend to July 3, 2018, the date for determining whether to review an initial determination ("ID") (Order No. 18) of the presiding administrative law judge (ALJ) granting respondents' motion for summary determination that claims 1-5, 8, 9, and 12-17 of U.S. Patent No. 9,045,871 are directed to ineligible subject matter under 35 U.S.C. § 101.

**FOR FURTHER INFORMATION CONTACT:** Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3104. 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 November 29, 2017, based on a complaint filed by Caterpillar Inc. of Peoria, IL, and Caterpillar Paving Products, Inc. of Minneapolis, MN (collectively, "Caterpillar"). 82 *Fed. Reg.* 56625-26 (Nov. 29, 2017). The complaint alleges a violation of section 337 by reason of infringement of

certain claims of U.S. Patent Nos. 7,140,693; 9,045,871 (“the ‘871 patent”); and 7,641,419. The complaint named Wirtgen GmbH of Windhagen, Germany; Joseph Voegelé AG of Ludwigshafen, Germany; Wirtgen Group Holding GmbH of Windhagen, Germany; and Wirtgen America, Inc. of Antioch, TN (collectively, “Wirtgen”) as respondents. *Id.* at 56626. The Office of Unfair Import Investigations is not a party in this investigation. *Id.*

On January 9, 2018, Wirtgen moved for summary determination that claims 1-5, 8, 9, and 12-17 of the ‘871 patent are directed to ineligible subject matter under 35 U.S.C. § 101. On January 26, 2018, Caterpillar filed an opposition, and on February 7, 2018, Wirtgen filed a reply.

On May 24, 2018, the ALJ issued the subject ID granting Wirtgen’s motion. On June 4, 2018, Caterpillar filed a petition for review of the ID. On June 11, 2018, Wirtgen filed a timely response in opposition to Caterpillar’s petition.

The Commission has determined to extend the date for determining whether to review the subject ID until July 3, 2018.

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 C.F.R. Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is fluid and cursive, with the first name "Lisa" being the most prominent.

Lisa R. Barton  
Secretary to the Commission

Issued: June 21, 2018