

**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 NOT TO REVIEW AN INITIAL  
DETERMINATION TERMINATING INVESTIGATION WITH RESPECT TO U.S.  
PATENT NO. 7,641,419**

**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. 26) of the presiding administrative law judge (“ALJ”) terminating investigation with respect to U.S. Patent No. 7,641,419.

**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 November 29, 2017, based on a complaint filed by Caterpillar Inc. of Peoria, IL, and Caterpillar Paving Products, Inc. of Minneapolis, MN (collectively, “Caterpillar,” or “Complainants”). 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; and 7,641,419 (“the ‘419 patent”). The complaint named Wirtgen GmbH of Windhagen, Germany; Joseph Voegle AG of Ludwigshafen, Germany; Wirtgen Group Holding GmbH of Windhagen, Germany; and Wirtgen America, Inc. of Antioch, TN as respondents. *Id.* at 56626. The Office of Unfair Import Investigations is not a party in this investigation. *Id.*

On July 2, 2018, Caterpillar filed a renewed motion to partially terminate the investigation by withdrawing its allegations with respect to the '419 patent. There is no opposition to the motion from any party.

On July 5, 2018, the ALJ issued an ID (Order No. 26). The ALJ found that the motion states that there are no agreements, written or oral, express or implied between the parties concerning the subject matter of this investigation, and thus complies with Commission Rule 210.21(a)(1), 19 C.F.R. § 210.21(a)(1). Order No. 26 at 2 (citing Motion at 2). The ALJ found no evidence of extraordinary circumstances, and stated that termination of this patent from the investigation will conserve public and private resources. Based on the foregoing, the ALJ granted the motion. No party petitioned for review of the 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 C.F.R. Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton  
Secretary to the Commission

Issued: July 25, 2018