

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

**In the Matter of**

**CARBURETORS AND PRODUCTS  
CONTAINING SUCH CARBURETORS**

**Investigation No. 337-TA-1123**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION TERMINATING THE INVESTIGATION AS TO GENERAC  
POWER SYSTEMS, INC. BASED ON A SETTLEMENT AGREEMENT**

**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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 56) granting a motion to terminate Generac Power Systems, Inc. ("Generac") from the above-captioned investigation based on a settlement agreement.

**FOR FURTHER INFORMATION CONTACT:** Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, 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, 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 July 20, 2018, based on a complaint, as supplemented, filed on behalf of Walbro, LLC of Tucson, Arizona ("Complainant"). 83 FR 34,614 (July 20, 2018). The complaint, as supplemented, alleges violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("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 carburetors and products containing such carburetors by reason of infringement of one or more of U.S. Patent Nos. 6,394,424; 6,439,547; 6,533,254; 6,540,212; and 7,070,173. The complaint further alleges that an industry

in the United States exists as required by section 337. The Notice of Investigation named numerous respondents, including Generac of Waukesha, Wisconsin. The Office of Unfair Import Investigations (“OUII”) was named as a party in this investigation.

On May 20, 2019, Complainant and Generac filed a joint motion to terminate the investigation as to Generac based on settlement. The parties stated “[a]part from this Settlement Agreement, there are no agreements, written or oral, express or implied between the Parties concerning the subject matter of the investigation.” On May 30, 2019, OUII filed a response in support of the motion.

On June 4, 2019, the ALJ issued the subject ID, granting the joint motion to terminate Generac. The ID finds that termination of this respondent from the investigation would not be contrary to the public interest. No party petitioned for review of the ID.

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", is centered on the page.

Lisa R. Barton  
Secretary to the Commission

Issued: June 19, 2019