

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN POUCH-TYPE BATTERY
CELLS, BATTERY MODULES, AND
BATTERY PACKS, COMPONENTS
THEREOF, AND PRODUCTS
CONTAINING THE SAME**

Investigation No. 337-TA-1179

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING COMPLAINANTS' UNOPPOSED
MOTION TO PARTIALLY TERMINATE THE INVESTIGATION AS TO CERTAIN
CLAIMS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 23) of the presiding chief administrative law judge (“CALJ”) granting complainants’ unopposed motion to partially terminate the investigation as to certain claims.

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) 205-2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 9, 2019 based on a complaint filed by SK Innovation Co., Ltd. of the Republic of Korea and SK Battery America, Inc. of Atlanta, Georgia (collectively, “SK”). 84 FR 54173-74 (Oct. 9, 2019). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain pouch-type battery cells, battery modules, and battery packs, components thereof, and products containing the same by reason of infringement of claims 1-36 of U.S. Patent No. 10,121,994 (“the ’994 patent”). *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission’s notice of

investigation named as respondents LG Chem, Ltd. of Seoul, Republic of Korea, and LG Chem Michigan, Inc. of Holland, Michigan (collectively, “LG”). *Id.* The Office of Unfair Import Investigations (“OUII”) is participating in the investigation. *Id.*

On March 17, 2020, complainants SK moved for partial termination of the investigation based on withdrawal of the complaint as to claims 8, 9, 17, 26, 27, and 35 of the ’994 patent. Complainants’ motion indicates that respondents and OUII do not object to partial termination of the investigation. Mot. at 1.

On March 25, 2020, the CALJ issued the subject ID granting complainants’ motion. The CALJ found that no extraordinary circumstances exist that would prevent the requested partial termination of this investigation. ID at 2. The CALJ also found that SK complied with the requirements of Commission Rule 210.21(a). *Id.* No petitions for review of the ID were filed.

The Commission has determined not to review the subject 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', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: April 22, 2020