

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN LITHIUM-ION BATTERY
CELLS, BATTERY MODULES,
BATTERY PACKS, COMPONENTS
THEREOF, AND PRODUCTS
CONTAINING THE SAME**

Investigation No. 337-TA-1181

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING A MOTION FOR LEAVE TO AMEND
THE COMPLAINT AND NOTICE OF INVESTIGATION**

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. 43) granting complainants’ motion for leave to amend the complaint and notice of investigation based on a corporate reorganization and name change

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5468. 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 on (202) 205-1810.

SUPPLEMENTARY INFORMATION: On November 4, 2019, the Commission instituted this investigation based on a complaint filed by LG Chem, Ltd. of Seoul, Republic of Korea; LG Chem Michigan Inc. of Holland, Michigan; and Toray Industries, Inc. of Tokyo, Japan (collectively, “Complainants”). 84 FR 59415 (Nov. 4, 2019). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, due to the importation into the United States, sale for importation, or sale in the United States after importation of certain lithium-ion battery cells, battery modules, battery packs, components thereof, and products containing the same that purportedly infringe one or more claims of U.S. Patent Nos. 7,662,517; 7,638,241; 7,709,152; and 7,771,877. *Id.* The complaint also alleges the existence of a domestic industry. *Id.* The notice of investigation names SK Innovation Co., Ltd., of Seoul, Republic of Korea and SK Battery America, Inc., of Atlanta, Georgia (together, “SK”) as respondents. *Id.* The Office of Unfair Import Investigations was not named as a party. *Id.*

On December 1, 2020, Complainants moved to amend the complaint and notice of investigation to reflect a reorganization and corporate name change among the Complainants. Specifically, Complainants stated that certain business functions and the asserted patents were transferred from LG Chem, Ltd. to a newly created subsidiary named LG Energy Solution, Ltd., and that LG Chem Michigan Inc. changed its corporate name to LG Energy Solution Michigan, Inc. Complainants thus moved to amend the complaint and notice of investigation to add LG Energy Solution, Ltd. as a complainant, and to replace LG Chem Michigan Inc. with LG Energy Solution Michigan, Inc.

On December 11, 2020, SK did not oppose the motion to amend, but argued that Complainants failed to show evidence of standing based on the present ownership of the asserted patents. On December 16, 2020, Complainants filed a reply that attached evidence regarding the patent assignment.

On January 5, 2021, the ALJ issued an ID pursuant to Commission Rule 210.14(b)(1) (19 CFR 210.14(b)(1)), granting Complainants' motion for leave to amend the complaint and notice of investigation. No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID.

The Commission vote for this determination took place on February 1, 2021.

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: February 1, 2021