

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 TERMINATING THE INVESTIGATION AS
TO CERTAIN ASSERTED PATENT CLAIMS BASED ON PARTIAL
WITHDRAWAL OF THE COMPLAINT**

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. 21) granting a motion to partially terminate the investigation as to certain asserted patent claims on the basis of withdrawal of the complaint.

FOR FURTHER INFORMATION CONTACT: Sidney Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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. 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 (the “517 patent”); 7,638,241 (the “241 patent”); 7,709,152 (the “152 patent”); and 7,771,877 (the “877 patent”). *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 as respondents. *Id.* The Office of Unfair Import Investigations was not named as a party. *Id.*

On October 9, 2020, complainants filed an unopposed motion to terminate the following patent claims from the investigation based upon withdrawal of the complaint: claims 5 and 8-11 of the '517 patent; claims 4, 5, 9-12, 14-23, 26-29, 30, 31, and 33-36 of the '241 patent; claims 4, 6-13, 17, and 18 of the '152 patent; and claims 1-4, 6, 7, 21, 24, and 25 of the '877 patent.

On October 14, 2020, the presiding ALJ issued the subject ID (Order No. 21) granting the motion. The ID finds that the motion complies with Commission rules, *see* 19 CFR 210.21(a)(1), and that no extraordinary circumstances exist that would prevent granting the motion. ID at 1-2.

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 October 29, 2020.

As a result of Order No. 21, the following claims remain within the scope of the investigation: claims 1-2, 6-7, 12-15, and 18 of the '517 patent; claims 1-3, 24, and 25 of the '241 patent; claims 1-3, 5, 16, 19, and 20 of the '152 patent; and claims 5, 18, 20, 23, and 26 of the '877 patent. *See id.* at 1 n.1.

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.



Lisa R. Barton
Secretary to the Commission

Issued: October 30, 2020