

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN VARIABLE SPEED WIND
TURBINE GENERATORS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1218

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING 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 has determined not to review an initial determination (“ID”) (Order No. 20) of the presiding administrative law judge (“ALJ”) terminating the investigation as to certain claims.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3179. 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: On September 8, 2020, the Commission instituted this investigation based on a complaint, as supplemented, filed by General Electric Company of Boston, MA (“GE”). 85 FR 55492-93 (Sept. 8, 2020). The complaint 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, and the sale within the United States after importation of certain variable speed wind turbine generators and components thereof by reason of infringement of claims 1, 3, 6, 7, 12, 21-24, 29, 30, and 33-38 of U.S. Patent No. 6,921,985 (“the ’985 patent”) and claim 1 of U.S. Patent No. 7,629,705 (“the ’705 patent”). *Id.* at 55492. The complaint further alleges that an industry in the United States exists. *Id.* The Commission’s notice of investigation named three respondents: Siemens Gamesa Renewable Energy Inc. of Orlando, FL; Siemens Gamesa Renewable Energy A/S of Brande, Denmark; and Gamesa Electric, S.A.U.

of Zamudio, Spain (collectively, “SGRE”). *Id.* at 55493. The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

On December 21, 2020, the Commission determined to amend the complaint and notice of investigation by adding (i) claims 15-16 and 21-24 to the asserted claims of the ’985 patent and (ii) claim 2 to the asserted claim of the ’705 patent. Order No. 10 (Dec. 2, 2020), *unreviewed by* 85 FR 85663 (Dec. 29, 2020).

On March 23, 2021, GE filed a motion for partial termination of the investigation based on withdrawal of the allegations in the complaint as to asserted (i) claims 3, 7, 36, and 38 of the ’985 patent and (ii) claim 2 of the ’705 patent. The motion states that SGRE does not oppose the motion. *See* Mot. at 1. SGRE did not file a response to the motion.

On March 30, 2021, the ALJ issued the subject ID granting the motion. The ID finds that the motion complies with the requirements of Commission Rule 210.21(a) (19 CFR 210.21(a)) and that “there are no extraordinary circumstances that warrant denying the motion.” ID at 2. No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID. The following claims are terminated from the investigation: (i) claims 3, 7, 36, and 38 of the ’985 patent and (ii) claim 2 of the ’705 patent.

The Commission vote for this determination took place on April 15, 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.



Lisa R. Barton
Secretary to the Commission

Issued: April 15, 2021