

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

In the Matter of

**CERTAIN POWER INVERTERS AND
CONVERTERS, VEHICLES
CONTAINING THE SAME, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1267

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO
CERTAIN PATENT CLAIMS ASSERTED AGAINST TWO RESPONDENTS**

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. 37) of the presiding administrative law judge (“ALJ”), terminating the investigation as to U.S. Patent No. 8,247,867 (“the ’867 patent”) as asserted against respondents BMW of North America, LLC, of Woodcliff Lake, New Jersey and Bayerische Motoren Werke AG of Munich, Germany (collectively, “BMW”).

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 708-2310. 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 June 28, 2021, the Commission instituted this investigation based on a complaint, as supplemented, filed on behalf of Arigna Technology Limited (“Arigna”) of Carrickmines, Ireland. 86 FR 34042-43 (Jun. 28, 2021). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain power inverters and converters, vehicles containing same, and components thereof that infringe one of more claims of the ’867 patent and U.S. Patent No. 8,289,082. *Id.* at 34042. The complaint also alleged that a domestic industry exists or is in the process of being established. *Id.* The Commission’s notice of investigation named sixteen respondents: BMW; Volkswagen AG of Wolfsburg, Germany and Volkswagen Group of America, Inc., of Herndon, Virginia (collectively, “Volkswagen”); Audi AG of Ingolstadt,

Germany; Audi of America, LLC, of Herndon, Virginia; Bentley Motors Limited of Crewe, United Kingdom; Bentley Motors, Inc., of Reston, Virginia; Automobili Lamborghini America, LLC, of Herndon, Virginia; Automobili Lamborghini S.p.A., of Sant'Agata, Italy; Porsche AG, of Stuttgart, Germany; Porsche Cars North America, Inc., of Atlanta, Georgia; Daimler AG of Stuttgart, Germany; Mercedes-Benz USA, LLC of Sandy Springs, Georgia; and General Motors Company and General Motors LLC, both of Detroit, Michigan. *Id.* at 34043. The Office of Unfair Import Investigations is participating in this investigation. *Id.*

The Commission has previously terminated respondent General Motors Company from the investigation. *See* Order No. 23 (Dec. 20, 2021), *unreviewed by* Comm'n Notice (Jan. 18, 2022).

On February 17, 2022, Arigna filed an unopposed motion to terminate the investigation as to the '867 patent asserted against BMW based on the withdrawal of the allegations in the complaint as to infringement of this patent against BMW.

On February 18, 2022, the ALJ issued the subject ID (Order No. 37) granting Arigna's motion for partial termination as to the '867 patent asserted against BMW. The ID finds that the motion for termination satisfies Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), and that no extraordinary circumstances exist that would prevent the requested partial termination. No petitions for review were filed.

The Commission has determined not to review the subject ID. The '867 patent is terminated from this investigation as asserted against BMW. The '867 patent remains asserted against the Volkswagen respondents.

The Commission has determined not to review the subject ID.

The Commission vote for this determination took place on March 15, 2022.

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: March 15, 2022