

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**

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. 50) of the presiding administrative law judge (“ALJ”), terminating the investigation as to claims 2-6 and 18-22 of U.S. Patent No. 8,289,082 (“the ’082 patent”) and claims 1, 2, and 9 of U.S. Patent No. 8,247,867 (“the ’867 patent”) (collectively, the “Withdrawn Claims”).

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 alleges 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 ’082 and ’867 patents. *Id.* at 34042. The complaint also alleges that a domestic industry exists or is in the process of being established. *Id.* The Commission’s notice of investigation named sixteen respondents: BMW of North America, LLC, of Woodcliff Lake, New Jersey and Bayerische Motoren Werke AG of Munich, Germany (collectively, “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). The Commission has also previously terminated the '867 patent from the investigation as asserted against BMW. *See* Order No. 37 (Feb. 18, 2022), *unreviewed by* Comm'n Notice (Mar. 15, 2022). The '867 patent remains asserted against the Volkswagen respondents.

On April 1, 2022, Arigna filed an unopposed motion to terminate the investigation as to the Withdrawn Claims based on the withdrawal of the allegations in the complaint as to those claims.


On April 6, 2022, the ALJ issued the subject ID (Order No. 50) granting Arigna's motion for partial termination as to the Withdrawn Claims. 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. Claims 2-6 and 18-22 of the '082 patent and claims 1, 2, and 9 of the '867 patent are terminated from this investigation.

The Commission vote for this determination took place on April 25, 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: April 25, 2022