

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

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

Investigation No. 337-TA-1267

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION EXTENDING THE TARGET DATE**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined not to review an initial determination (“ID”) (Order No. 54) issued by the presiding administrative law judge (“ALJ”) extending the target date for completion of this investigation to December 12, 2022.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2382. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket system (“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 June 28, 2021, the Commission instituted this investigation based on a complaint filed on behalf of Arigna Technology Limited of Carrickmines, Ireland (“Arigna”). 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 U.S. Patent Nos. 8,247,867 and 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: Porsche AG, of Stuttgart, Germany; Porsche Cars North America, Inc. of Atlanta, Georgia (collectively, “Porsche”); Volkswagen AG of Wolfsburg, Germany; Volkswagen Group of America, Inc., of Herndon, Virginia; 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 (collectively, “Volkswagen”); Daimler AG

of Stuttgart, Germany; Mercedes-Benz USA, LLC of Sandy Springs, Georgia; Bayerische Motoren Werke AG of Munich, Germany; BMW of North America, LLC, of Woodcliff Lake, New Jersey (together with Bayerische Motoren Werke, “BMW”); General Motors Company of Detroit, Michigan; and General Motors LLC of Detroit Michigan. *Id.* at 34043. The Office of Unfair Import Investigations is participating in this investigation. *Id.*

On January 18, 2022, the Commission partially terminated the investigation with respect to General Motors Company based on based on a partial withdrawal of the complaint. Order No. 23 (Dec. 7, 2021), *unreviewed by* Comm’n Notice (January 18, 2022). On May 17, 2022, the Commission partially terminated the investigation with respect to Porsche based on a settlement agreement. Order No. 53 (April 29, 2022), *unreviewed by* Comm’n Notice (May 17, 2022).

The Commission 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 Volkswagen. The Commission has also terminated claims 2-6 and 18-22 of the ’082 patent and claims 1, 2, and 9 of the ’867 patent based on a partial withdrawal of the complaint. *See* Order No. 50 (Apr. 6, 2022), *unreviewed by* Comm’n Notice (Apr. 25, 2022).

On July 27, 2022, the presiding ALJ issued the subject ID (Order No. 54) pursuant to Commission Rule 210.51(a) (19 CFR 210.51(a)), extending the target date for completion of this investigation by two weeks to December 12, 2022. The presiding ALJ found good cause for the extension because the drafting of the final initial determination has been affected by extensions granted to the parties for post-hearing briefs, the need to consider post-hearing motions, and the ALJ’s obligations in other investigations.


No party filed a petition for review of the subject ID.

Upon review of the subject ID, the Commission has determined not to review, and thereby adopts, the subject ID. The target date is hereby extended to December 12, 2022.

The Commission voted to approve this determination on August 25, 2022.

The authority for the Commission’s determinations 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.



Katherine M. Hiner
Acting Secretary to the Commission

Issued: August 25, 2022