

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN REPLACEMENT
AUTOMOTIVE LAMPS**

Investigation No. 337-TA-1291

NOTICE OF A COMMISSION DECISION TO EXTEND TARGET DATE

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend the target date for the completion of the above-captioned investigation to October 31, 2023.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 708-5468. 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 (<http://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 January 24, 2022, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 USC 1337 ("section 337"), based on a complaint filed on behalf of complainants Kia Corporation of Seoul, Korea and Kia America, Inc. of Irvine, California (collectively, "Kia"). 87 Fed. Reg. 3584-85 (Jan. 24, 2022). The complaint, as supplemented and amended, alleges a violation of section 337 in the importation into the United States, the sale for importation, and the sale after importation within the United States after importation of certain replacement automotive lamps by reason of infringement of U.S. Design Patent Nos. D592,773; D635,701; D636,506; D650,931; D695,933; D705,963; D709,218; D714,975; D720,871; D749,757; D749,764; D774,222; D774,223; D776,311; D781,471; D785,833; D785,836; and D792,989. *Id.* at 3584. The notice of investigation names as respondents TYC Brother Industrial Co., Ltd. of Tainan, Taiwan; Genera Corporation (dba TYC Genera) of Brea, California; LKQ Corporation of Chicago, Illinois; and Keystone Automotive Industries, Inc. of Exeter, Pennsylvania (together, "Respondents"). The Office of Unfair Import Investigations is not participating in this investigation.

On February 7, 2022, the Chief ALJ (“ALJ”) ordered an evidentiary hearing for both Inv. Nos. 337-TA-1291 and 337-TA-1292 on the economic prong pursuant to the Commission’s pilot program for interim initial determinations (“IID”). Order No. 6 (Feb. 7, 2022). The combined evidentiary hearing was held on April 20, 2022. On July 1, 2022, the ALJ issued an IID finding that Kia has satisfied the economic prong of the domestic industry requirement with respect to all of the asserted design patents. On August 24, 2022, the Commission determined to review the IID. The investigation was reassigned to the presiding ALJ on July 6, 2022.

On January 24, 2023, the ALJ issued the Final ID finding a violation of section 337 by Respondents with respect to ’773, ’701, ’506, ’931, ’933, ’218, ’975, ’976, ’871, ’762, ’764, ’222, ’223, ’311, ’833, ’836, and ’989 patents. Final ID at 1. The Final ID finds no violation with respect to the ’963, ’757, and ’471 patents based on noninfringement and failure to satisfy the technical prong of the domestic industry requirement. *Id.* at 1, 284-86. The Final ID also finds that no asserted patent is invalid as anticipated or obvious. *Id.* Concerning the economic prong of the domestic industry requirement, the Final ID reduced Kia’s alleged investments due to Kia’s failure to establish that certain of its alleged domestic industry products are representative of other alleged domestic industry products. *Id.* at 33-37.

The Final ID included the ALJ Recommended Determination (“RD”) on remedy and bonding. *Id.* at 287-293. The RD recommends that, if the Commission finds a violation, it should issue a limited exclusion order but not issue a cease and desist order against any Respondent. *Id.*

No party filed a submission on the public interest pursuant to Commission Rule 210.50(a)(4), 19 CFR 210.50(a)(4). The Commission received numerous third-party filings in response to its notice seeking public interest submissions. 88 FR 5919-20 (Jan. 30, 2023).

On February 6, 2023, Respondents filed a petition for review challenging the Final ID’s findings on the economic prong of the domestic industry requirement, infringement, and validity. Also on February 6, 2023, Kia filed a petition for review challenging the Final ID’s findings of noninfringement and contingently petitioning regarding the Final ID’s findings concerning non-satisfaction of the technical prong of the domestic industry requirement regarding the ’963, ’757, and ’471 patents. On February 14, 2023, Kia and Respondents filed responses to each other’s petitions.

On May 11, 2023, the Commission determined to review the Final ID in its entirety and sought briefing from the parties on certain issues and briefing from the parties and the public concerning remedy, bonding, and the public interest. 88 FR 31520-22 (May 17, 2023). Kia and Respondents filed initial submissions on May 25, 2023, and reply submission on June 1, 2023. The Commission also received several third-party submissions on the public interest, remedy, and bonding.

On June 15, 2023, Respondents filed a motion to strike a declaration filed by Kia in connection with their reply to Respondent's initial submission on the public interest. On June 26, 2023, Kia filed an opposition to the motion.

The Commission has determined to extend the target date for the completion of the investigation to October 31, 2023.

The Commission vote for this determination took place on September 21, 2023.

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', enclosed within a large, loopy oval flourish.

Lisa R. Barton
Secretary to the Commission

Issued: September 21, 2023