

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN REPLACEMENT
AUTOMOTIVE LAMPS II**

Investigation No. 337-TA-1292

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 (“Commission”) has determined to extend the target date for completion of the above-captioned investigation to October 31, 2023.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3228. 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 January 24, 2022, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by Hyundai Motor Company of Seoul, Republic of Korea and Hyundai Motor America, Inc. of Fountain Valley, CA (“HMA”) (collectively, “Hyundai”). *See* 87 FR 3583-84 (Jan. 24, 2022). The complaint alleges a violation of section 337 based upon the importation into the United States, sale for importation, or sale after importation into the United States of certain replacement automotive lamps by reason of infringement of certain claims of U.S. Design Patent Nos. D617,478; D618,835; D618,836; D631,583; D637,319; D640,812; D655,835; D664,690; D709,217; D736,436; D738,003; D739,057; D739,574; D740,980; D759,864; D759,865; D771,292; D780,351; D818,163; D829,947; and D834,225 (collectively, “Asserted Patents”). *Id.* The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation names four respondents: 1) TYC Brother Industrial Co., Ltd. of Tainan, Taiwan; 2) Genera Corporation (dba. TYC

Genera) of Brea, California; 3) LKQ Corporation of Chicago, Illinois; and 4) Keystone Automotive Industries, Inc. of Exeter, Pennsylvania (collectively, “Respondents”). *Id.*

On February 7, 2022, the presiding administrative law judge (“ALJ”) ordered an evidentiary hearing for both Inv. Nos. 337-1291 and 337-1292 on the economic prong pursuant to the Commission’s pilot program for interim initial determinations (“IID”). *See* Order No. 7 (Feb. 7, 2022). The combined evidentiary hearing was held on April 20, 2022. On July 1, 2022, the ALJ issued an IID finding that Hyundai 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.

On January 24, 2023, the ALJ issued the subject final initial determination (“FID”) finding a violation of section 337 by Respondents with respect to each of the Asserted Patents. The FID also finds that no Asserted Patent is invalid as anticipated or obvious. The FID further finds that Hyundai has satisfied the technical prong and the economic prong of the domestic industry requirement for all of the Asserted Patents. The ALJ also simultaneously issued a recommended determination on remedy and bonding (“RD”), recommending that, if the Commission finds a violation, it should issue a limited exclusion order but not issue a cease and desist order against any of Respondents.

On February 6, 2023, Respondents filed a petition for review challenging the FID’s findings on the economic prong of the domestic industry requirement, infringement, and validity. Also on February 6, 2023, Hyundai filed a petition for review challenging the RD’s recommendations and contingently petitioning regarding the FID’s findings concerning non-satisfaction of the technical prong of the domestic industry requirement. On February 14, 2023, Respondents and Hyundai filed responses to each other’s petitions.

On February 23, 2023, the Commission received public interest submissions pursuant to Commission Rule 210.50(a)(4) from the LKQ Respondents and the TYC Respondents. 19 C.F.R. § 210.50(a)(4). On February 22 and 23, 2023, the Commission received twelve responses to the Commission notice seeking public interest submission. 88 FR 7759-7760 (Feb. 6, 2023).

On May 11, 2023, the Commission determined to review the FID in its entirety. 88 FR 31522-24 (May 17, 2023). The Commission asked the parties to address four questions, which related to infringement, the technical prong of the DI requirement, and the economic prong of the DI requirement. The Commission also sought briefing from the parties and the public concerning remedy, bonding, and the public interest.

On May 25, 2023, Hyundai filed its initial written response to the Commission’s request for briefing. Respondents filed its initial written response that same day. On June 1, 2023, Hyundai filed its reply submission. That same day, Respondents filed their reply submission.

On June 15, 2023, Respondents filed a Motion to Strike a declaration filed with the Hyundai reply to Respondent's initial submission on the public interest. On June 26, 2023, Hyundai filed a response to the Motion to Strike.

The Commission has determined to extend the target date for completing this 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', written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: September 21, 2023