

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MARINE AIR
CONDITIONING SYSTEMS,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING THE SAME**

Investigation No. 337-TA-1346

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING THE INVESTIGATION
AS TO CERTAIN ASSERTED PATENT CLAIMS BASED ON WITHDRAWAL**

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. 30) issued by the presiding administrative law judge (“ALJ”) granting an unopposed motion filed by complainants Dometic Corporation of Rosemont, Illinois and Dometic Sweden AB of Solna, Sweden (collectively, “Dometic”) for partial termination of the investigation based on withdrawal of certain asserted patent claims.

FOR FURTHER INFORMATION CONTACT: Paul Lall, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2043. 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, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: On December 7, 2022, the Commission instituted this investigation based on a complaint, as supplemented, filed by Dometic. 87 FR 76216-17 (Dec. 13, 2022). The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain marine air conditioning systems, components thereof, and products containing same by reason of the infringement of certain claims of U.S. Patent No. 8,056,351 (“the ’351 patent”). *Id.* The complaint further alleges that a domestic industry exists. *Id.* The notice of institution named four (4) respondents: (1) Shanghai Hopewell Industrial Co. Ltd. of Shanghai, China; (2)

Shanghai Hehe Industrial Co. Ltd. of Shanghai, China; (3) CitiMarine, L.L.C. of Doral, Florida; and (4) Mabru Power Systems, Inc. of Dania Beach, Florida (collectively, “Respondents”). *Id.*

On August 28, 2023, the Commission granted in part summary determination that the economic prong of the domestic industry requirement is satisfied. Order No. 23, *unreviewed by* Comm’n Notice (Aug. 28, 2023).

On September 13, 2023, the Commission affirmed an initial determination granting in part summary determination of invalidity of claims 1-2, 4-5, 7 of the ’351 patent. Order No. 19, *affirmed by* Comm’n Notice (September 13, 2023).

The presiding ALJ held an evidentiary hearing on September 18-21, 2023.

On September 29, 2023, Dometic filed an unopposed motion to terminate the investigation with respect to claims 3, 11 and 17 of the ’351 patent. In its motion, Dometic asserts that termination of these claims “will simplify this Investigation and conserve judicial and party resources.” ID at 1. Dometic also represents that respondents confirmed by email that they do not oppose the motion. *Id.*

On October 2, 2023, the presiding ALJ issued the subject ID (Order No. 30) pursuant to Commission Rule 210.21(a) (19 CFR 210.21(a)), granting Dometic’s motion. The ID finds that “there are no extraordinary circumstances exist that would prevent the requested partial termination of this Investigation” and “Dometic has complied with the requirements of Commission Rule 210.21(a).” ID at 2.

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

Having reviewed the record of this investigation, including the subject ID (Order No. 30), the Commission has determined not to review the subject ID. Claims 3, 11 and 17 of the ’351 patent are terminated from the investigation.

The Commission vote for this determination took place on October 31, 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.



Lisa R. Barton
Secretary to the Commission

Issued: October 31, 2023