

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN PORTABLE BATTERY JUMP
STARTERS AND COMPONENTS
THEREOF (II)**

Investigation No. 337-TA-1359

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO CERTAIN
ASSERTED 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. 18) of the presiding administrative law judge (“ALJ”) granting complainant’s unopposed motion to terminate the investigation as to certain asserted patent claims based on withdrawal of the complaint as to those claims.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3179. 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: The Commission instituted this investigation on April 18, 2023, based on a complaint filed by The NOCO Company (“NOCO”) of Glenwillow, Ohio. 88 FR 23686-87 (Apr. 18, 2023). The complaint, as amended, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain portable battery jump starters and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 9,770,992 (“the ’992 patent”), 10,328,808 (“the ’808 patent”), 10,981,452 (“the ’452 patent”), 11,254,213 (“the ’213 patent”), and 11,447,023 (“the ’023 patent”), as well as common law trade dress infringement, false

designation of origin, false advertising, and unfair competition, the threat or effect of which is to destroy or substantially injure an industry in the United States. *Id.* at 23686. The amended complaint further alleges that a domestic industry exists. *Id.* The Commission instituted two separate investigations and defined the scope of the present investigation as whether there is a violation of section 337 based on the allegations of infringement as to the asserted claims of the '992, '808, '452, '213 and '023 patents as to the accused products identified in the notice of investigation.

The notice of investigation named 19 respondents: Shenzhen Carku Technology Co., Ltd. of Shenzhen, Guangdong, China; Aukey Technology Co., Ltd. of Shenzhen, China; Metasee LLC of Pearland, Texas; Ace Farmer LLC of Houston, Texas; Shenzhen Gooloo E-Commerce Co., Ltd. of Shenzhen, China; Gooloo Technologies LLC of Shenzhen, China; Shenzhen Konghui Trading Co., Ltd., d/b/a Hulkman Direct, of Shenzhen, Guangdong, China; HULKMAN LLC of Santa Clara, California; Shenzhen Take Tools Co. Ltd. of Shenzhen, Guangdong, China; Shenzhenshi Daosishangmao Youxiangongsi, d/b/a Fanttik Direct, of Shenzhen, Guangdong, China; Shenzhenshi Dianjia Technology Co., Ltd., d/b/a Yesper Direct (Hong Kong Haowei Technology Co. Ltd.), of Hong Kong; Shenzhenshi Xinmeitemuxiangbao Zhuangyouxiangongsi, d/b/a Thikpo (Spanarci), of Shenzhen, Guangdong, China; Guangzhou Sihao Trading Co., Ltd., d/b/a Snailhome (Audew) also d/b/a Shenzhen Xinshu Trading Co. Ltd., of Shenzhen, China; ChangShaHongMaoKai KeJiYouXianGongSi, d/b/a TopdonStarter, of Changsha, Hunan, China; Shenzhenshi Shoudiankejiyouxiangongsi, d/b/a Solvtin, of Shenzhen, Longhuaqu, China; Shenzhen Winplus Shenzhen Pinwang Industrial Technology Co., Ltd. of Shenzhen, China; Winplus North America, Inc. of Costa Mesa, California; Winplus NA, LLC of Costa Mesa, California; and ADC Solutions Auto LLC, d/b/a Type S Auto, of Costa Mesa, California. *Id.* at 23686-87. The Office of Unfair Import Investigations (“OUII”) is also named as a party. *Id.* at 23687.

On June 26, 2023, the Commission determined to (i) amend the complaint and notice of investigation to add infringement allegations as to claims 1-13, 15-30, 32, 33, 35-44, and 46-57 of U.S. Patent No. 11,584,243 (“the '243 patent”) and (ii) set an 18-month target date for this investigation of October 21, 2024. Order Nos. 5 and 6 (May 26, 2023), *unreviewed by Comm’n Notice* (June 26, 2023).

On November 13, 2023, NOCO filed an unopposed motion to terminate the investigation as to the following asserted claims based on withdrawal of the complaint: (i) claims 2, 4-9, 11-13, and 15-21 of the '992 patent; (ii) claims 2-10, 12-15, and 17 of the '808 patent; (iii) claims 2-16 of the '452 patent; (iv) claims 2-16 of the '213 patent; (v) claims 2-4, 6-18, 20-23, 25-28, 31, 33, 35-38, and 41-53 of the '023 patent; (vi) claims 3-9, 15-17, 19-25, 29, 30, 32, 33, 35-44, 46-49, 51-53, and 55-57 of the '243 patent. On November 21, 2023, OUII filed a response in support of the motion. No other responses to the motion were filed.

On November 27, 2023, the ALJ issued the subject ID (Order No. 18) granting the motion. The ID finds that the motion complies with the requirements of Commission Rule 210.21(a)(1) (19 CFR 210.21(a)(1)), and that “there are no extraordinary circumstances that

prevent terminating the investigation as to the [subject claims].” ID at 2-3. No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID. The investigation is terminated as to the following asserted claims: (i) claims 2, 4-9, 11-13, and 15-21 of the '992 patent; (ii) claims 2-10, 12-15, and 17 of the '808 patent; (iii) claims 2-16 of the '452 patent; (iv) claims 2-16 of the '213 patent; (v) claims 2-4, 6-18, 20-23, 25-28, 31, 33, 35-38, and 41-53 of the '023 patent; (vi) claims 3-9, 15-17, 19-25, 29, 30, 32, 33, 35-44, 46-49, 51-53, and 55-57 of the '243 patent.

The Commission vote for this determination took place on December 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", with a large, stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: December 21, 2023