

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN ICEMAKING MACHINES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1369

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING MOTION FOR PARTIAL TERMINATION OF
CERTAIN ASSERTED 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 the presiding chief administrative law judge's ("CALJ") initial determination ("ID") (Order No. 15) terminating the investigation as to certain claims of the asserted patents.

FOR FURTHER INFORMATION CONTACT: Benjamin S. Richards, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5453. 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 August 16, 2023, the Commission instituted this investigation based on a complaint filed by Hoshizaki America, Inc. of Peachtree City, Georgia ("Complainant"). 88 FR 55721-22 (Aug. 16, 2023). The complaint alleges 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, or sale within the United States after importation of certain icemaking machines and components thereof by reason of the infringement of one or more of claims 1-3, 6-8, and 11-20 of U.S. Patent No. 10,107,538 B2 ("the '538 patent"); claims 1-4, 10-13, and 16 of U.S. Patent No. 10,113,785 B2 ("the '785 patent"); and claims 1, 2, 5-9, and 11-14 of U.S. Patent No. 10,458,692 B2 ("the '692 patent"). *Id.* at 5572. The Commission's notice of investigation named as respondents Blue Air FSE LLC of Gardena, California; and Bluenix Co., Ltd. of Gyeonggi-do, Republic of Korea (collectively, "Respondents"). The Office of Unfair Import Investigations was also named as a party in this investigation. *Id.*

On January 11, 2024, the Commission terminated claim 16 of the '785 patent and claims 11-14 of the '692 patent. Order No. 9 (Dec. 14, 2023), *unreviewed by Comm'n Notice* (Jan. 11, 2024).

On April 2, 2024, Complainant moved for partial termination of the investigation with respect to claims 2, 8, 11-18, and 20 of the '538 patent, claims 2-4 and 11-13 of the '785 patent, and claims 2 and 6-8 of the '692 patent. Respondents did not oppose the motion.

On April 8, 2024, the CALJ granted the unopposed motion. The ID found that the motion complies with the Commission Rules. ID at 2. The ID further found that there are no extraordinary circumstances that warrant denying the motion. *Id.* No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID. The following claims are terminated from the investigation: claims 2, 8, 11-18, and 20 of the '538 patent, claims 2-4 and 11-13 of the '785 patent, and claims 2 and 6-8 of the '692 patent.

The Commission vote for this determination took place on April 26, 2024.

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: April 26, 2024