

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN WINDSHIELD WIPERS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-928
Investigation No. 337-TA-937
(Consolidated)

**NOTICE OF A COMMISSION DETERMINATION TO EXTEND THE TARGET DATE
FOR COMPLETION OF THE INVESTIGATION TO JUNE 10, 2016**

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 completion of the investigation until June 10, 2016.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3115. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.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: The Commission instituted investigation No. 337-TA-928, *Certain Windshield Wipers and Components Thereof*, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("section 337"), on September 2, 2014, based on a complaint filed by Valeo North America, Inc. of Troy, MI, and Delmex de Juarez S. de R.L. de C.V. of Mexico (collectively, "Valeo"). The complaint alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 7,891,044 ("the '044 patent"); 7,937,798 ("the '798 patent"); and 8,220,106 by Federal-Mogul Corp. of Southfield, Michigan, Federal-Mogul Vehicle Component Solutions, Inc. of Southfield, Michigan, and Federal-Mogul S.A. of Aubange, Belgium (collectively, "Federal-Mogul"). 79 *Fed. Reg.* 52041-42 (Sep. 2, 2014).

On October 15, 2014, Valeo filed another complaint, against Trico Products Corporation of Rochester Hills, Michigan; Trico Products of Brownsville, Texas; and Trico Componentes SA de CV of Tamaulipas, Mexico (collectively, "Trico," Respondent, or Respondents), asserting a

violation of section 337(a)(1)(B) by reason of infringement of one or more claims of the '044 patent and the '798 patent. On November 21, 2014, the Commission instituted Investigation No. 337-TA-937, *Certain Windshield Wipers and Components Thereof*, based on this complaint filed by Valeo against Trico. 79 *Fed. Reg.* 69525-26 (Nov. 21, 2014). Subsequently, the two investigations were consolidated. Order No. 8, Inv. No. 337-TA-928 (Dec. 9, 2014). The Office of Unfair Import Investigations ("OUII") is not participating in this investigation.

On May 19, 2015, Valeo and Federal-Mogul reached a settlement agreement and filed a joint motion to terminate the Federal-Mogul Respondents from the consolidated investigation, which was granted on June 5, 2015. *See* Order No. 24, Inv. No. 337-TA-928 (June 5, 2015) (*not reviewed* June 29, 2015).

The evidentiary hearing on the question of violation of section 337 was held in July of 2015. On October 22, 2015, the ALJ issued his final ID finding a violation of section 337 with respect to certain claims of the '798 patent. On the same day, he issued his recommendations on remedy and bonding.

On December 21, 2015, the Commission issued a Notice in which the Commission determined, in part, as follows:

- (1) To review the ALJ's determination in Order No. 36 (Jul. 16, 2015) precluding arguments and evidence relating to Trico's 618 and 596 connectors on the basis that they are obsolete and are irrelevant to the present investigation, *see* ALJ Order No. 36 at 1, and on review, to reverse this determination and to remand the investigation to the ALJ with respect to this issue, to make findings regarding whether Trico products with 618 and 596 connectors infringe either asserted patent and to make any necessary related findings, as set forth in the accompanying Remand Order . . .

80 *Fed. Reg.* 80797-8 (Dec. 28, 2015).

On January 7, 2016, Valeo moved to terminate the Remand Investigation with respect to Trico's products with the 618 and 596 connectors. In its motion, Valeo stated that it had withdrawn its assertion of infringement of the asserted patents against such products. On January 11, 2016, the ALJ issued an ID (Order No. 43) granting Valeo's unopposed motion.

On the same day, the ALJ issued a Remand ID. The ALJ stated that in view of Order No. 43 granting Complainants' motion to terminate the Remand Investigation with respect to Trico's products with the 618 and 596 connectors, the Commission's Remand Order dated December 21, 2015, is moot. Remand ID at 1.

On February 10, 2016, the Commission issued a Notice in which the Commission determined not to review Order No. 43 and the Remand ID. *See* 81 *Fed. Reg.* 8096-7 (Feb. 17,

2016). The Commission's determination resulted in a finding of violation as to the '798 patent. *Id.* The Commission also requested written submissions on remedy, public interest, and bonding from the parties and the public. *Id.* Both parties to the investigation timely filed their submissions pursuant to the Commission Notice. No submissions were filed by the public.

On April 28, 2016, Valeo and Trico jointly filed an emergency request for extension of the target date pending settlement. The parties represent that they reached an agreement in principal that fully resolves all issues in this investigation and, in light of this development, request that the target date of this investigation be stayed. Emergency Request at 1. No other pleadings have been filed by the parties subsequent to their emergency request.

Rather than stay the target date as requested, the Commission has determined to extend the target date for completion of the investigation until June 10, 2016, to give the parties time to file their motion for termination based on settlement.

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 C.F.R. 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