

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN LITHIUM METAL OXIDE
CATHODE MATERIALS, LITHIUM-
ION BATTERIES FOR POWER TOOL
PRODUCTS CONTAINING THE SAME,
AND POWER TOOLS PRODUCTS
WITH LITHIUM-ION BATTERIES
CONTAINING SAME**

Investigation No. 337-TA-951

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING
AN UNOPPOSED MOTION TO PARTIALLY TERMINATE THE INVESTIGATION
WITH RESPECT TO CLAIM 8 OF U.S. PATENT NO. 6,677,082**

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. 35) granting an unopposed motion to partially terminate the investigation with respect to claim 8 of U.S. Patent No. 6,677,082.

FOR FURTHER INFORMATION CONTACT: Lucy Grace D. Noyola, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3438. 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 (<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 this investigation on March 30, 2015, based on a complaint filed by BASF Corporation of Florham Park, New Jersey and UChicago Argonne LLC of Lemont, Illinois (collectively, “Complainants”). 80 *Fed. Reg.* 16695 (Mar. 30, 2015). The complaint alleges violations of section 337 of the Tariff Act of

1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain lithium metal oxide cathode materials, lithium metal-ion batteries for power tool products containing same, and power tool products with lithium-ion batteries containing same by reason of infringement of certain claims of U.S. Patent No. 6,677,082 and U.S. Patent No. 6,680,143. *Id.* at 16696. The notice of investigation names as respondents Umicore N.V. of Brussels, Belgium; Umicore USA Inc. of Raleigh, North Carolina; Makita Corporation of Aichi, Japan; Makita Corporation of America of Buford, Georgia; and Makita U.S.A. Inc. of La Mirada, California. *Id.* The Office of Unfair Import Investigations (OUII) also was named as a party to the investigation. *Id.* The Commission later terminated the investigation as to Makita Corporation, Makita Corporation of America, and Makita U.S.A. Inc. Notice (Nov. 20, 2015) (determining not to review Order No. 32 (Nov. 5, 2015)).

On December 1, 2015, Complainants filed an unopposed motion for partial termination of the investigation with respect to claim 8 of U.S. Patent No. 6,677,082.

On December 1, 2015, the presiding administrative law judge (“ALJ”) issued an ID, Order No. 35, granting the motion. The ALJ found that Complainants complied with Commission rule 210.21(a)(1) by representing that there are no agreements between the parties concerning the subject matter of the investigation. The ALJ found no extraordinary circumstances to prevent the partial termination of this investigation, and further found that partial termination is in the public interest because public and private resources will be conserved. No petitions for review were filed.

The Commission has determined not to review the subject ID.

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.



Lisa R. Barton
Secretary to the Commission

Issued: December 22, 2015