

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC

In the Matter of

**CERTAIN VARIABLE VALVE
ACTUATION DEVICES AND
AUTOMOBILES CONTAINING THE
SAME**

Inv. No. 337-TA-954

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION
WITH RESPECT TO U.S. PATENT NO. 5,829,397**

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 (Order No. 6) terminating the investigation with respect to U.S. Patent No. 5,829,397.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-708-5452. 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 April 14, 2015, based on an amended complaint filed by Jacobs Vehicle Systems, Inc., of Bloomfield, Connecticut ("Jacobs"). 80 Fed. Reg. 20012 (Apr. 14, 2015). The complaint alleged 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, and the sale within the United States after importation of certain variable valve actuation devices and automobiles containing the same by reason of infringement of U.S. Patent No. 5,829,397 ("the '397 patent") and five other U.S. patents. The notice of investigation named as respondents FCA US LLC, of Auburn Hills, Michigan; FCA México, S.A. de C.V., of Santa Fe, México; FCA Melfi S.p.A., of

Melfi, Italy; FCA Serbia d.o.o. Kragujevac, of Kragujevac, Serbia; and Fiat Chrysler Automobiles N.V., of Slough, United Kingdom. The Office of Unfair Import Investigations was also named as a party.

On July 2, 2015, Jacobs filed a motion with the presiding administrative law judge (“ALJ”) to withdraw all allegations based on the ’397 patent and to terminate the investigation with respect to that patent. No party opposed the motion. On July 20, 2015, the ALJ granted the motion and issued the subject initial determination (“ID”). The ALJ relied upon Jacobs’ representation that there are no agreements between the parties concerning the subject matter of the investigation. The ALJ determined that granting the motion would conserve private and public resources. The ALJ therefore found good cause to terminate the investigation with respect to the ’397 patent. No petitions for review of the ID have been filed.

The Commission has determined not to review the 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: August 18, 2015