

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN VARIABLE SPEED WIND
TURBINES AND COMPONENTS THEREOF**

Investigation No. 337-TA-641

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANT'S MOTION TO
AMEND THE COMPLAINT AND NOTICE OF INVESTIGATION AND EXTENDING
THE TARGET DATE**

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. 10) issued by the presiding administrative law judge ("ALJ") granting complainant's motion to amend the complaint and notice of investigation and extending the target date.

FOR FURTHER INFORMATION CONTACT: Michelle Walters, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5468. 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 this investigation on March 31, 2008, based on a complaint filed by General Electric Company ("GE"). The complaint alleged violations of section 337 of the Tariff Act of 1930 (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 variable speed wind turbines and components thereof that allegedly infringe certain claims of United States Patent Nos. 5,083,039 and 6,921,985. The complaint, as amended, named Mitsubishi Heavy Industries, Ltd., Mitsubishi Heavy Industries of America, Inc., and Mitsubishi Power Systems Americas, Inc. (collectively, "MHI") as respondents.

On July 31, 2008, GE filed a motion to amend the complaint and notice of investigation to add allegations of infringement for claims 1-19 of U.S. Patent No. 7,321,221. MHI opposed the motion, but requested that, in the event complainant's motion was granted, the procedural schedule deadlines be pushed back a minimum of three months. The Commission investigative attorney supported complainant's motion on the condition that the target date be extended.

On September 16, 2008, the ALJ issued the subject ID, granting GE's motion to amend the complaint and notice of investigation and extending the target date by four months from June 30, 2009 to October 30, 2009. No petitions for review of this ID were filed.

The Commission has determined not to review the ALJ's 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 section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: October 8, 2008