

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN LITHIUM ION BATTERY
CELLS, BATTERY MODULES,
BATTERY PACKS, COMPONENTS
THEREOF, AND PRODUCTS
CONTAINING THE SAME**

Investigation No. 337-TA-1181

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION EXTENDING THE TARGET DATE**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 11) extending the target date for completion of the investigation to July 19, 2021.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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 on (202) 205-1810.

SUPPLEMENTARY INFORMATION: On November 4, 2019, the Commission instituted this investigation based on a complaint filed by LG Chem, Ltd. of Seoul, Republic of Korea; LG Chem Michigan Inc. of Holland, Michigan; and Toray Industries, Inc. of Tokyo, Japan. 84 FR 59415 (Nov. 4, 2019). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, due to the importation into the United States, sale for importation, or sale in the United States after importation of certain lithium-ion battery cells, battery modules, battery packs, components thereof (including battery separators and powderous electrode active material), and vehicles containing same that purportedly infringe one or more claims of U.S. Patent Nos. 7,662,517; 7,638,241; 7,709,152; and 7,771,877. *Id.* The complaint also alleges the existence of a domestic industry. *Id.* The notice of investigation names SK Innovation Co., Ltd., of Seoul, Republic of Korea and SK Battery America, Inc., of Atlanta, Georgia as respondents. *Id.* The Office of Unfair Import Investigations was not named

as a party. *Id.*

The Commission previously extended the procedural schedule by three months due to COVID-19 travel restrictions, resulting in the current target date of June 4, 2021. Order No. 7 (Mar. 12, 2020), not reviewed, Notice (Mar. 31, 2020).

On May 8, 2020, complainants and respondents filed a joint motion to further modify the procedural schedule, based on ongoing COVID-19 travel restrictions. The joint motion seeks to extend the procedural schedule by approximately six weeks.

On May 12, 2020, the presiding administrative law judge issued the subject ID (Order No. 11) granting the joint motion and also extending the target date in the investigation in order to accommodate the extended schedule. *See* ID at 2. Pursuant to 19 CFR 210.51(a)(1), the ID extends the target date by six weeks to July 19, 2021, which is more than 16 months from the date of institution. *Id.* The ID also sets a new deadline for issuing the final ID to March 19, 2021. *Id.*

No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID.

The Commission vote for this determination took place on June 3, 2020.

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: June 3, 2020