

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN VARIABLE SPEED WIND
TURBINE GENERATORS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1218

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING COMPLAINANT'S MOTION FOR
SUMMARY DETERMINATION THAT THE ECONOMIC PRONG OF THE
DOMESTIC INDUSTRY REQUIREMENT IS SATISFIED**

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. 23) of the presiding administrative law judge ("ALJ"), granting Complainant's motion for summary determination that the economic prong of the domestic industry requirement is satisfied.

FOR FURTHER INFORMATION CONTACT: Benjamin S. Richards, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 708-5453. 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: The Commission instituted this investigation on September 8, 2020. 85 FR 55492-93 (Sept. 8, 2020). The complaint, as supplemented, was filed by General Electric Company ("GE") and alleged 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, or the sale within the United States after importation of certain variable speed wind turbine generators and components thereof by reason of infringement of certain claims of United States Patent Nos. 6,921,985 ("the '985 patent") and 7,629,705 ("the '705 patent"). *Id.* at 55492. The complaint further alleged that a domestic industry exists. *Id.* The Commission's notice of investigation named Siemens Gamesa Renewable Energy Inc. of Orlando, Florida; Siemens Gamesa Renewable Energy A/S of Brande, Denmark; and Gamesa Electric, S.A.U. of Zamudio,

Spain (collectively “SGRE”). *Id.* at 55493. The Office of Unfair Import Investigations is not participating in this investigation. *Id.*

On April 9, 2021, GE moved for summary determination that the economic prong of the domestic industry requirement, as set forth in 19 U.S.C. 1337(a)(2)-(3), has been satisfied with respect to both the ’985 and ’705 patents. On April 21, 2021, SGRE indicated it did not oppose the motion.

On April 26, 2021, the presiding ALJ issued the subject ID granting the motion. The ID found that “GE has shown, with respect to products alleged to practice the asserted ’985 and ’705 patents, a significant investment in plant and equipment and a significant employment of labor and capital.” Order 23, at 5. The ID further explained that “GE must still show at the evidentiary hearing in this investigation that the products GE relied upon to prove up its expenditures are products protected by the asserted patents.” *Id.* No petitions for review of the ID were received.

The Commission has determined not to review the subject ID.

The Commission vote for this determination took place on May 26, 2021.

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.

A handwritten signature in black ink, appearing to read "Lisa R. Barton".

Lisa R. Barton
Secretary to the Commission

Issued: May 26, 2021