

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN PORTABLE BATTERY JUMP
STARTERS AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1256

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO CERTAIN
PATENT CLAIMS**

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. 27) of the presiding administrative law judge (“ALJ”), terminating the investigation as to claims 4, 10, 14, 18, and 21 of U.S. Patent No. 9,007,015 (“the ’015 patent”) and claims 4, 5, 6, 19, 23, and 26 of U.S. Patent No. 10,604,024 (“the ’024 patent”) (collectively, the “Withdrawn Claims”).

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 708-2310. 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, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on March 23, 2021, based on a complaint filed by The NOCO Company (“NOCO”) of Glenwillow, Ohio. 86 FR 15496-98 (Mar. 23, 2021). The complaint, as amended and supplemented, alleges 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 portable battery jump starters and components thereof by reason of infringement of certain claims of the ’015 patent, the ’024 patent, and U.S. Trademark Registration Nos. 4,811,656 and 4,811,749. The complaint further alleges the existence of a domestic industry. The Commission’s notice of investigation, as amended,

named forty-seven (47) respondents. 86 FR 27650-51 (May 21, 2021). The Office of Unfair Import Investigations is participating in the investigation.

The Commission has previously terminated multiple respondents from the investigation. *See* Order No. 9 (Apr. 13, 2021), *unreviewed by* Comm'n Notice (May 12, 2021); Order No. 11 (Apr. 19, 2021), *unreviewed by* Comm'n Notice (May 4, 2021); Order No. 14 (Apr. 23, 2021), *unreviewed by* Comm'n Notice (May 18, 2021); Order No. 21 (July 7, 2021), *unreviewed by* Comm'n Notice (July 26, 2021); Order No. 23 (July 13, 2021), *unreviewed by* Comm'n Notice (July 29, 2021).

On July 21, 2021, NOCO filed an unopposed motion to terminate the investigation as to the Withdrawn Claims based on the withdrawal of the allegations in the complaint as to those claims.

On August 6, 2021, the ALJ issued the subject ID (Order No. 27) granting NOCO's motion for partial termination as to the Withdrawn Claims. The ID finds that the motion for termination satisfies Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), and that no extraordinary circumstances exist that would prevent the requested partial termination. No petitions for review were filed. Claims 4, 10, 14, 18, and 21 of the '015 patent and claims 4, 5, 6, 19, 23, and 26 of the '024 patent are terminated from this investigation.

The Commission vote for this determination took place on August 18, 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.



Lisa R. Barton
Secretary to the Commission

Issued: August 18, 2021