

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

**In the Matter of**

**CERTAIN PORTABLE BATTERY JUMP  
STARTERS AND COMPONENTS  
THEREOF (II)**

**Investigation No. 337-TA-1359**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW INITIAL  
DETERMINATIONS (1) GRANTING LEAVE TO AMEND THE COMPLAINT AND  
NOTICE OF INVESTIGATION AND (2) SETTING AN 18-MONTH 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 two initial determinations (“ID”) of the presiding administrative law judge (“ALJ”) in the above-captioned investigation that (1) grant complainant’s motion for leave to amend the complaint and notice of investigation to add U.S. Patent No. 11,584,243 (“the ’243 patent”) (Order No. 5) and (2) set an 18-month target date of October 21, 2024 (Order No. 6).

**FOR FURTHER INFORMATION CONTACT:** Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3179. 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](mailto: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 April 18, 2023, based on a complaint filed by The NOCO Company (“NOCO”) of Glenwillow, Ohio. 88 FR 23686-87 (Apr. 18, 2023). The complaint, as amended, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on the importation into the United States, the sale for importation, and/or 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 U.S. Patent Nos. 9,770,992 (“the ’992 patent”), 10,328,808 (“the ’808 patent”), 10,981,452 (“the ’452 patent”), 11,254,213 (“the ’213 patent”), and 11,447,023 (“the ’023 patent”), as well as common law trade dress infringement, false designation of origin, false advertising, and unfair competition, the threat or effect of which is to destroy or substantially injure an industry in the United States. *Id.* at 23686. The amended complaint further alleges that a domestic industry exists. *Id.* The Commission instituted two

separate investigations, and defined the scope of the present investigation as whether there is a violation of section 337 based on the allegations of infringement as to the asserted claims of the '992, '808, '452, '213 and '023 patents as to the accused products identified in the notice of investigation.

The notice of investigation named 19 respondents: Shenzhen Carku Technology Co., Ltd. of Shenzhen, Guangdong, China; Aukey Technology Co., Ltd. of Shenzhen, China; Metasee LLC of Pearland, Texas; Ace Farmer LLC of Houston, Texas; Shenzhen Gooloo E-Commerce Co., Ltd. of Shenzhen, China; Gooloo Technologies LLC of Shenzhen, China; Shenzhen Konghui Trading Co., Ltd., d/b/a Hulkman Direct, of Shenzhen, Guangdong, China; HULKMAN LLC of Santa Clara, California; Shenzhen Take Tools Co. Ltd. of Shenzhen, Guangdong, China; Shenzhenshi Daosishangmao Youxiangongsi, d/b/a Fanttik Direct, of Shenzhen, Guangdong, China; Shenzhenshi Dianjia Technology Co., Ltd., d/b/a Yesper Direct (Hong Kong Haowei Technology Co. Ltd.), of Hong Kong; Shenzhenshi Xinmeitemuxiangbao Zhuangyouxiangongsi, d/b/a Thikpo (Spanarci), of Shenzhen, Guangdong, China; Guangzhou Sihao Trading Co., Ltd., d/b/a Snailhome (Audew) also d/b/a Shenzhen Xinshu Trading Co. Ltd., of Shenzhen, China; ChangShaHongMaoKai KeJiYouXianGongSi, d/b/a TopdonStarter, of Changsha, Hunan, China; Shenzhenshi Shoudiankejiyouxiangongsi, d/b/a Solvtin, of Shenzhen, Longhuaqu, China; Shenzhen Winplus Shenzhen Pinwang Industrial Technology Co., Ltd. of Shenzhen, China; Winplus North America, Inc. of Costa Mesa, California; Winplus NA, LLC of Costa Mesa, California; and ADC Solutions Auto LLC, d/b/a Type S Auto, of Costa Mesa, California. *Id.* at 23686-87. The Office of Unfair Import Investigations (“OUII”) is also named as a party. *Id.* at 23687.

On April 28, 2023, NOCO filed a motion to amend the complaint and notice of investigation to add allegations of infringement as to claims 1-13, 15-30, 32, 33, 35-44, and 46-57 of the '243 patent. On May 10, 2023, respondents Shenzhen Carku Technology Co., Ltd., Metasee LLC, Ace Farmer LLC, Shenzhen Gooloo E-Commerce Co., Ltd., Gooloo Technologies LLC, Hulkman LLC, Shenzhenshi Xinmeitemuxiangbao Zhuangyouxiangongsi, Shenzhen Pinwang Industry Co. Ltd., Winplus North America, Inc., Winplus NA, LLC, and ADC Solutions Auto LLC filed a response opposing the motion. Also on May 10, 2023, OUII filed a response in support of the motion. No other responses to the motion were filed. On May 15, 2023, NOCO filed a reply to its motion.

On May 26, 2023, the ALJ issued both subject IDs (Order Nos. 5 and 6). Order No. 5 grants NOCO's motion, finding that NOCO has shown good cause to amend where (i) the '243 patent issued on February 21, 2023, which is after NOCO filed its original complaint on February 13, 2023, (ii) “the record indicates that NOCO worked diligently to complete its pre-filing investigation before seeking the amendment,” (iii) the '243 patent shares the same specification as the already asserted '023 patent, and is in the same family as the already asserted '023, '992, and '808 patents, and (iv) “there does not appear to be any evidence demonstrating that inclusion of the '243 patent will meaningfully expand the scope of discovery because the claimed subject matter is similar to patents already asserted in this investigation and the accused products are the same.” Order No. 5 at 5-6. Order No. 5 also finds that “neither

Respondents nor the public interest would be prejudiced by the amendment.” *Id.* at 6. Order No. 6 sets an 18-month target date of October 21, 2024, for completion of this investigation, the final initial determination on violation being due by June 21, 2024. Order No. 6 at 2. No petitions for review of the subject IDs were filed.

The Commission has determined not to review the subject IDs. The complaint and notice of investigation are amended to add infringement allegations as to claims 1-13, 15-30, 32, 33, 35-44, and 46-57 of the '243 patent and the target date for this investigation is October 21, 2024.

The Commission vote for this determination took place on June 23, 2023.

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", with a stylized, flowing script.

Lisa R. Barton  
Secretary to the Commission

Issued: June 26, 2023