

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN WIPER BLADES

Investigation No. 337-TA-816

NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION GRANTING-IN-PART
COMPLAINANT'S MOTION FOR LEAVE TO
AMEND THE COMPLAINT AND THE
NOTICE OF INVESTIGATION

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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 15) granting-in-part Complainant's motion to amend the complaint and the notice of investigation.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, 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 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 November 29, 2011, based on a complaint filed by Robert Bosch LLC of Farmington Hills, Michigan ("Bosch") alleging a violation 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, and the sale within the United States after importation of certain wiper blades by virtue of the infringement of claims of nine patents. *76 Fed. Reg.* 73677. The notice of investigation named thirteen respondents: ADM21 Co., Ltd. Gyeonggi-do, Korea; ADM21 Co. (North America) Ltd. of

Englewood Cliffs, New Jersey; Alberee Products, Inc. d/b/a Saver Automotive Products, Inc. of Baltimore, Maryland (“Alberee”); API Korea Co., Ltd. of NamDong-Gu Incheon, Korea (“API”); Cequent Consumer Products, Inc. of Solon, Ohio; Corea Autoparts Producing Corp. d/b/a CAP America of Gyeongsangbuk-do, Korea; Danyang UPC Auto Parts Co., Ltd. of Jiangsu, China (“Danyang”); Fu-Gang Co., Ltd. of Yilan County, Taiwan; PIAA Corp. USA of Portland, Oregon; Pylon Manufacturing Corp. of Deerfield Beach, Florida (“Pylon”); RainEater LLC of Erie, Pennsylvania; Scan Top Enterprise Co., Ltd. of Taipei, Taiwan (“Scan Top”); and Winplus North America Inc. of Ontario, California.

On January 17, 2012, Bosch moved to amend the complaint and notice of investigation to: (1) add as a respondent Daewoo International Corporation of Seoul, Korea; (2) add as a respondent CAP America, Inc. of Farmington Hills, Michigan; (3) add infringement allegations directed to the existing and related respondents Alberee and API; and (4) withdraw certain patent claims inadvertently asserted against existing respondents Alberee, API, Danyang, Pylon, and Scan Top. Bosch argued that good cause for these amendments exists. Motion at 4-11 (Jan. 17, 2012).

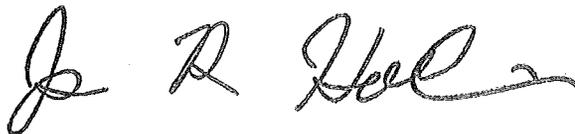
The existing respondents either did not object to, or took no position on, the amendments, except that Alberee and API opposed the additional allegations against them. *See* Order No. 15 at 1-2. On January 27, 2012, the Commission investigative attorney filed a response, that, like Alberee and API, argued that good cause did not exist to add infringement allegations against Alberee and API. *Id.* at 6.

On March 16, 2012, the ALJ issued an ID granting-in-part Bosch’s motion to amend the complaint and the notice of investigation. He found that Bosch had demonstrated good cause for three of the four proposed amendments. *Id.* at 3-5, 7-8. However, the ALJ denied Bosch’s motion to add infringement allegations against Alberee and API because Bosch possessed the information that was the basis for this requested amendment prior to filing the original complaint. *Id.* at 6-7.

No petitions for review were filed. The Commission has determined not to review the 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 sections 210.14 and 210.42 of the Commission’s Rules of Practice and Procedure (19 C.F.R. §§ 210.14, 210.42).

By order of the Commission.



James R. Holbein
Secretary to the Commission

Issued: April 12, 2012