

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN CLOUD-CONNECTED
WOOD-PELLET GRILLS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1237

**NOTICE OF A COMMISSION DETERMINATION AFFIRMING WITH
MODIFICATION AN INITIAL DETERMINATION GRANTING IN PART
RESPONDENT'S MOTION FOR SUMMARY DETERMINATION OF NON-
INFRINGEMENT AND TERMINATING THE INVESTIGATION AS TO U.S. PATENT
NO. 10,218,833**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to affirm with modification an initial determination ("ID") (Order No. 28) of the presiding chief administrative law judge ("CALJ") granting in part respondent's motion for summary determination of non-infringement and terminating the investigation as to U.S. Patent No. 10,218,833 ("the '833 patent").

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 January 4, 2021, based on a complaint filed on behalf of Traeger Pellet Grills LLC ("Traeger") of Salt Lake City, Utah. 86 FR 129-30 (Jan. 4, 2021). The complaint, as 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 cloud-connected wood-pellet grills and components thereof by reason of infringement of certain claims of the '833 patent and U.S. Patent No. 10,158,720 ("the '720 patent"). The Commission's notice of investigation named GMG Products LLC ("GMG") of Lakeside, Oregon as the sole respondent. The Office of Unfair Import Investigations is not

participating in the investigation. The Commission previously found that Traeger has satisfied the economic prong of the domestic industry requirement with respect to the '833 and '720 patents. See Order No. 26 (Aug. 10, 2021), *unreviewed by Comm'n Notice* (Sept. 9, 2021).

On July 21, 2021, GMG filed a motion for summary determination of non-infringement as to the '833 and '720 patents. On August 9, 2021, Traeger filed a response opposing the motion.

On September 3, 2021, the CALJ issued the subject ID (Order No. 28) granting in part GMG's motion for summary determination of non-infringement as to the '833 patent and terminating that patent from the investigation. The CALJ declined, however, to grant summary determination regarding certain limitations recited in the '833 patent and declined to grant summary determination regarding the '720 patent. These denials of summary determination are not part of the subject ID and are not subject to Commission review.

On September 9, 2021, Traeger filed a petition for review of the subject ID. On September 16, 2021, GMG filed a response in opposition to Traeger's petition for review.

On October 6, 2021, the Commission determined to review the subject ID in its entirety. Notice (Oct. 6, 2021).

On review, the Commission has determined to affirm with modification the subject ID's finding of non-infringement. Specifically, as detailed in an opinion issued herewith, the Commission supplements the ID's analysis with respect to the limitation "generating one or more instructions" recited in the asserted claims of the '833 patent. See ID at 10-16.

The Commission vote for this determination took place on October 28, 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: October 28, 2021