

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN LITHIUM-ION BATTERY
CELLS, BATTERY MODULES, BATTERY
PACKS, COMPONENTS THEREOF, AND
PRODUCTS CONTAINING THE SAME**

Inv. No. 337-TA-1181

NOTICE OF INITIAL DETERMINATION ON VIOLATION OF SECTION 337

(March 31, 2021)

On this date, I have issued an initial determination on violation of section 337 in this investigation pursuant to Commission Rule 210.42(a)(1)(i) and a recommended determination on remedy and bonding pursuant to subsection (a)(1)(ii).¹ For the reasons discussed therein, it is my final initial determination in this investigation that there is no 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/or the sale within the United States after importation of certain lithium-ion battery cells, battery modules, battery packs, components thereof, and products containing the same, with respect to the alleged infringement of asserted claims of U.S. Patent No. 7,662,517 (“the ’517 patent”), U.S. Patent No. 7,638,241 (“the ’241 patent”), U.S. Patent No. 7,709,152 (“the ’152 patent”), and U.S. Patent No. 7,771,877 (“the ’877 patent”).

This determination is based on the following conclusions of law:

1. The Commission has subject matter jurisdiction over this investigation, *in personam* jurisdiction over Respondents, and *in rem* jurisdiction over the accused lithium-ion battery cells, battery modules, battery packs, components thereof, and products containing the same.

¹ A public version shall issue within 30 days, or in the time necessary to identify and redact the confidential business information therein, pursuant to Commission Rule 210.5(f).

2. There has been an importation into the United States, sale for importation, or sale within the United States after importation of accused products by the Respondents.
3. No accused products have been shown to infringe any claims of the '517 patent.
4. The domestic industry requirement has not been satisfied with respect to any claims of the '517 patent.
5. No claims of the '517 patent have been shown to be invalid.
6. No accused products have been shown to infringe any claims of the '241 patent.
7. The technical prong of the domestic industry requirement is satisfied with respect to claims 1, 2, 3, 24, and 25 of the '241 patent.
8. Claims 1, 2, 3, 24, and 25 of the '241 patent are invalid as obvious in view of certain prior art.
9. Certain accused products infringe claims 1, 2, 3, 5, 16, 19, and 20 of the '152 patent.
10. The technical prong of the domestic industry requirement is satisfied with respect to claims 1, 2, 3, 5, 16, 19, and 20 of the '152 patent.
11. Claims 1, 2, 3, 5, 16, 19, and 20 of the '152 patent are invalid as anticipated or obvious in view of certain prior art.
12. Certain accused products infringe claims 5, 18, and 26 of the '877 patent.
13. The technical prong of the domestic industry requirement is satisfied with respect to claims 5 and 26 of the '877 patent.
14. Claims 5 and 26 of the '877 patent are invalid as obvious in view of certain prior art.

SO ORDERED.



Dee Lord
Administrative Law Judge

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THEREOF, AND PRODUCTS CONTAINING THE SAME**

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PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served upon the following parties as indicated, on **March 31, 2021**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

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