

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN THERMOPLASTIC-
ENCAPSULATED ELECTRIC MOTORS,
COMPONENTS THEREOF, AND
PRODUCTS AND VEHICLES
CONTAINING SAME**

Inv. No. 337-TA-1052

**ORDER NO. 3: SETTING TARGET DATE, HEARING DATES, AND
PRELIMINARY CONFERENCE**

(May 11, 2017)

On April 28, 2017, the Commission issued a Notice of Investigation in this matter upon a complaint alleging violations of section 337 of the Tariff Act of 1930, as amended, by reason of infringement of certain claims of U.S. Patent No. 7,154,200 (the “’200 patent”), U.S. Patent No. 7,067,944 (the “’944 patent”), U.S. Patent No. 7,067,952 (the “’952 patent”), U.S. Patent No. 7,683,509 (the “’509 patent”), and U.S. Patent No. 7,928,348 (the “’348 patent”). The Commission ordered that an investigation be instituted to determine:

whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain thermoplastic-encapsulated electric motors, components thereof, and products and vehicles containing same by reason of infringement of one or more of claims 1-2 and 4-7 of the ’200 patent; claims 24-27 of the ’348 patent; claims 1-2 and 14-15 of the ’509 patent; claims 3, 9, 11 of the ’944 patent; claims 10 and 12 of the ’952 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

Notice of Investigation at 2. In addition, the Commission ordered the administrative law judge to “take evidence or other information and hear arguments from the parties and other interested

persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. 1337(d)(1), (f)(1), (g)(1).”

Id.

The Investigation was instituted upon publication of the Notice of Investigation in the *Federal Register* on Wednesday, May 3, 2017. 82 Fed. Reg. 20633-34 (2017); see 19 C.F.R. § 210.10(b). The Complainant is Intellectual Ventures II LLC of Bellevue, Washington. Notice of Investigation at 2. The Respondents are Aisin Seiki Co., Ltd. of Japan, Aisin Holdings of America, Inc. of Seymour, Indiana, Aisin Technical Center of America, Inc. and Aisin World Corporation of America of Northville, Michigan; Bayerische Motoren Werke AG of Germany, BMW of North America, LLC of Woodcliff Lake, New Jersey, and BMW Manufacturing Co., LLC of Greer, South Carolina; Denso Corporation of Japan and Denso International America, Inc. of Southfield, Michigan; Honda Motor Co., Ltd. of Japan, Honda North America, Inc. American Honda Motor Co., Inc., and Honda R&D Americas, Inc. of Torrance, California, Honda of America Mfg., Inc. of Marysville, Ohio, and Honda Manufacturing of Alabama, LLC of Lincoln, Alabama; Mitsuba Corporation of Japan and American Mitsuba Corporation of Mount Pleasant, Michigan; Nidec Corporation of Japan and Nidec Automotive Motor Americas, LLC of Auburn Hills, Michigan; and Toyota Motor Corporation of Japan, Toyota Motor North America, Inc. of New York, New York, Toyota Motor Sales, U.S.A., Inc. of Torrance, California, Toyota Motor Engineering & Manufacturing North America, Inc. of Erlanger, Kentucky, Toyota Motor Manufacturing, Indiana, Inc. of Princeton, Indiana, and Toyota Motor Manufacturing, Kentucky, Inc., of Georgetown, Kentucky. *Id.* at 2-5. The Office of Unfair Import Investigations is also a party in this investigation. *Id.* at 5.

Based upon the issues identified in the Complaint and Notice of Investigation, and in consideration of the schedules for other ongoing investigations, the target date for completion of this investigation shall be Monday, September 3, 2018, which is sixteen months after institution of the investigation. *See* 19 C.F.R. § 210.51(a). Accordingly, the initial determination on alleged violation of section 337 shall be due by Thursday, May 3, 2018. *See* 19 C.F.R. § 210.42(a)(1)(i).


The evidentiary hearing in this investigation shall begin following a pre-hearing conference on Monday, February 12, 2018, and it will conclude by the close of business on Friday, February 16, 2018. *See* 19 C.F.R. § 210.36. Pursuant to Ground Rule 5.2, I have determined that a *Markman* hearing would be beneficial to this investigation, and a *Markman* hearing shall be held on Wednesday, November 1, 2017. The parties may also present technology tutorials on the day of the *Markman* hearing.

The parties shall submit a proposed procedural schedule no later than Monday, May 22, 2017, taking into account the target date and the above-identified dates for hearings. The contents for the procedural schedule are set forth in Ground Rule 2. The parties should make intensive good faith efforts to agree to a procedural schedule, and it is expected that in most instances the parties will submit a joint proposal. Any proposed procedural schedule should not be filed with the Secretary but served on the Administrative Law Judge pursuant to Ground Rule 1.3 with an electronic copy in Word format pursuant to Ground Rule 1.4.

I will hold a preliminary conference on Thursday, May 25, 2017, at 11:00 a.m. via telephone. The parties should be prepared to discuss any issues with respect to the ground rules, the protective order, the procedural schedule, discovery, and any other matters that may have

surfaced. Counsel for Complainant shall be responsible for the logistics of the teleconference, including arranging for a court reporter and circulating a dial-in number.

SO ORDERED.



Dee Lord
Administrative Law Judge

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PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Attorney, **Lisa Murray, Esq.**, and the following parties as indicated, on 5/11/2017



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

On Behalf of Complainant Intellectual Ventures II LLC:

James M. Wodarski, Esq.
**MINTZ LEVIN COHN FERRIS GLOVSKY
AND POPEO PC**
One Financial Center
Boston, MA 02111

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

**On Behalf of Respondents Aisin Seiki Co., Ltd., Aisin
Holdings of America, Inc., Aisin Technical Center of America,
Inc., and Aisin World Corporation of America:**

Eric W. Schweibenz
OBLON, McCLELLAN, MAIER & NEUSTADT, LLP
1940 Duke Street
Alexandria, VA 22314

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

**On Behalf of Respondents Bayerische Motoren Werke AG,
BMW of North America, LLC, and BMW Manufacturing Co.,
LLC:**

Joseph P. Lavelle
DLA PIPER LLP (US)
500 Eighth Street, NW
Washington, DC 20004

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

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Certificate of Service – Page 2

**On Behalf of Respondents Denso Corporation and
Denso International America, Inc., :**

Louis S. Mastriani, Esq.
ADDUCI, MASTRIANI & SCHAUMBERG, LLP
1133 Connecticut Ave. NW, 12th Floor
Washington, DC 20036

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

**On Behalf of Respondents Honda Motor Co., Ltd.,
Honda North America, Inc., American Honda Motor Co.,
Honda of America Mfg., Inc., Honda Manufacturing of
Alabama, LLC and Honda R&D Americas, Inc. :**

Bert C. Reiser
LATHAM & WATKINS LLP
555 Eleventh Street, NW, Suite 1000
Washington, DC 20004

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

**On Behalf of Respondents Mitsuba Corporation and
American Mitsuba Corporation:**

Helena D. Kiepura
KIRKLAND & ELLIS LLP
655 Fifteenth Street, NW
Washington, DC 20005

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

**On Behalf of Respondents Toyota Motor Corporation,
Toyota Motor North America, Inc., Toyota Motor Sales,
U.S.A., Inc., Toyota Motor Engineering and Manufacturing
North America, Inc., Toyota Manufacturing, Indiana, Inc.,
and Toyota Motor Manufacturing Kentucky, Inc.:**

Mark N. Reiter
GIBSON, DUNN & CRUTCHER, LLP
2100 McKinney Avenue, Suite 1100
Dallas, TX 75201

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

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**On Behalf of Respondents Nidec Corporation and
Nidec Automotive Motor Americas, LLC:**

Aimee N. Soucie
ANDREWS KURTH KENYON LLP
1350 I Street, NW, Suite 1100
Washington, DC 20005

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: _____