

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 II

Inv. No. 337-TA-1073

ORDER NO. 4: INITIAL DETERMINATION SETTING TARGET DATE AT SEVENTEEN MONTHS

(November 13, 2017)

By publication of a notice in the *Federal Register* on October 11, 2017, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, the Commission instituted this investigation to determine:

Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, 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 [U.S. Patent No. 7,154,200]; claims 24-27 of the '348 patent [U.S. Patent No. 7,928,348]; claims 1, 2, 14, and 15 of the '509 patent [U.S. Patent No. 7,683,509]; claims 3, 9, and 11 of the '944 patent [U.S. Patent No. 7,067,944]; and claims 10 and 12 of the '952 patent [U.S. Patent No. 7,067,952]; and whether an industry in the United States exists and/or is in the process of being established as required by subsection (a)(2) of section 337.

82 Fed. Reg. 47250 (Oct. 11, 2017).

Additionally, pursuant to Commission Rule 210.50(b)(1), the Commission ordered:

Pursuant to Commission Rule 210.50(b)(1), 19 CFR 210.50(b)(1), the presiding Administrative Law Judge shall take evidence or other information and hear arguments from the parties or 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 complainant is Intellectual Ventures II LLC of Bellevue, California. *Id.*

The named respondents are Aisin Seiki Co., Ltd., Aisin Holdings of America, Inc., Aisin Technical Center of America, Inc., Aisin World Corp. of America, Bayerische Motoren Werke AG, BMW of North America, LLC, BMW Manufacturing Co., LLC, DENSO Corporation, DENSO International America, Inc., Honda Motor Co., Ltd., Honda North America, Inc., American Honda Motor, Co., Inc., Honda of America Mfg., Inc., Honda Manufacturing of Alabama, LLC, Honda R&D Americas, Inc., Mitsuba Corporation, American Mitsuba Corporation, Nidec Corporation, Nidec Automotive Motor Americas, LLC, Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A., Inc., Toyota Motor Engineering & Manufacturing North America, Inc., Toyota Motor Manufacturing, Indiana, Inc., and Toyota Motor Manufacturing, Kentucky, Inc. *Id.*

The Commission Investigative Staff is also a party to this investigation. *Id.*

In view of the other investigations currently assigned to me, and the breadth of the issues raised in this investigation, I find that I cannot accommodate this investigation with a 16-month target date. Therefore, I hereby determine that the target date for this investigation shall be Monday, March 11, 2019, which is seventeen (17) months from the date the notice of investigation was published in the Federal Register. *See* 19 C.F.R. § 210.51(a). Consequently, any final initial determination would be due by Monday, November 12, 2018. *See* 19 C.F.R. § 201.14(a); 19 C.F.R. § 210.42(a)(1)(i).

Pursuant to 19 C.F.R. § 210.42(h), this initial determination shall become the determination of the Commission unless a party files a petition for review of the initial determination pursuant to 19 C.F.R. § 210.43(a), or the Commission, pursuant to 19 C.F.R. § 210.44, orders on its own motion a review of the initial determination or certain issues herein.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Thomas B. Pender", written over a horizontal line.

Thomas B. Pender
Administrative Law Judge

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

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PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **INITIAL DETERMINATION Order No. 4** has been served by hand upon the Commission Investigative Attorney, **Andrew Beverina, Esq.**, and the following parties as indicated, on

NOV 13 2017



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

FOR COMPLAINANT INTELLECTUAL VENTURES II LLC	
James M. Wodarski, Esq. MINTZ, LEVIN, CHON, FERRIS, GLOVSKY, AND POPEO, P.C. One Financial Center Boston, MA 02111	<input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
FOR RESPONDENTS AISIN SEIKI, CO., LTD, AISIN HOLDINGS OF AMERICA, INC., AISIN TECHNICAL CENTER OF AMERICA, INC. & AISIN WORLD CORPORATION OF AMERICA	
Eric W. Schweibenz, Esq. OBLON, McCLELLAND, MAIER & NEUSTADT, LLP 1940 Duke Street Alexandria, VA 22314	<input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____

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

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FOR RESPONDENTS BAYERISCHE MOTOREN WERKE AG, BMW OF NORTH AMERICA, LLC & BMW MANUFACTURING CO., LLC	
Joseph P. Lavelle, Esq. DLA PIPER LLP 500 Eighth Street N.W. Washington, DC 20004	<input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
FOR RESPONDENTS DENSO CORPORATION & DENSO INTERNATIONAL AMERICA, INC.	
Louis S. Mastriani, Esq. ADDUCI, MASTRIANI & SCHAUMBERG, LLP 1133 Connecticut Avenue N.W., 12 th Floor Washington, DC 20036	<input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
FOR RESPONDENTS HONDA MOTOR CO., LTD., HONDA NORTH AMERICA, INC., AMERICAN HONDA MOTOR CO., INC., HONDA OF AMERICA MFG., INC., HONDA MANUFACTURING OF ALABAMA, LLC & HONDA R&D AMERICAS, INC.	
Bert C. Reiser, Esq. LATHAM & WATKINS LLP 555 Eleventh Street N.W., Suite 1000 Washington, DC 20004	<input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
FOR RESPONDENTS MITSUBA CORPORATION & AMERICAN MITSUBA CORPORATION	
Helena D. Kiepura, Esq. KIRKLAND & ELLIS LLP 655 Fifteenth Street N.W. Washington, DC 20005	<input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____

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FOR RESPONDENTS NIDEC CORPORATION & NIDEC AUTOMOTIVE AMERICAS, LLC.	
John Flock, Esq. ANDREWS KURTH KENYON LLP One Broadway New York, NY 10004-1007	<input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
FOR RESPONDENTS TOYOTA MOTOR CORPORATON, TOYOTA MOTOR NORTH AMERICA, INC., TOYOTA MOTOR SALES, U.S.A., INC., TOYOTA MOTOR ENGINEERING & MANUFACTURING NORTH AMERICA, INC., TOYOTA MOTOR MANUFACTURING, INDIANA, INC. & TOYOTA MOTOR MANUFACTURING, KENTUCKY, INC.	
James R. Barney, Esq. FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 New York Avenue N.W. Washington, DC 20001	<input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____