

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN VARIABLE SPEED WIND
TURBINES AND COMPONENTS THEREOF

Inv. No. 337-TA-641

2007 JUN -7 PM 1:57

Notice

On this date, the Initial Determination on the question of violation of section 337 issued with the following conclusions of law:

1. The Commission has personal jurisdiction over the parties, and subject-matter jurisdiction over the investigation.
2. The importation or sale requirement of section 337 has been met with respect to the accused products.
3. Respondents MHI and MPSA have sold for importation, imported and, or, sold after importation into the United States, the accused products.
4. It has not been established that respondent MHIA has directly or indirectly imported or sold an accused product. Consequently, it cannot be found that MHIA is in violation of section 337.
5. It has not been shown by clear and convincing evidence that claim 121 of the '039 patent is invalid.
6. It has been shown by at least a preponderance of the evidence that the accused Mitsubishi turbines infringe claim 121 of the '039 patent.

7. It has been established that the domestic industry requirement is satisfied with respect to the '039 patent.

8. A violation of section 337 has occurred with respect to the '039 patent.

9. It has not been shown by clear and convincing evidence that claim 5, 7, or 8 of the '221 patent is invalid.

10. It has been shown by at least a preponderance of the evidence that the accused Mitsubishi turbines infringe claim 5, 7, and 8 of the '221 patent.

11. It has not been established that GE practices any claim of the '221 patent. It has not been established that the domestic industry requirement is satisfied with respect to the '221 patent.

12. It has not been shown that a violation of section 337 has occurred with respect to the '221 patent.

13. It has not been shown by clear and convincing evidence that claim 15 of the '985 patent is invalid.

14. It has not been established by clear and convincing evidence that the '985 patent is unenforceable due to inequitable conduct.

15. It has been shown by at least a preponderance of the evidence that the accused Mitsubishi turbines (both the original and EPSS versions) infringe claim 15 of the '985 patent.

16. It has been established that the domestic industry requirement is satisfied with respect to the '985 patent.

17. A violation of section 337 has occurred with respect to the '985 patent.



Carl C. Charneski
Administrative Law Judge

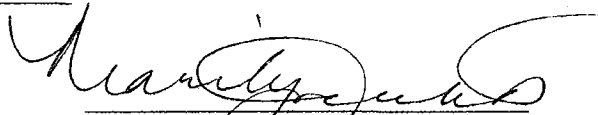
Issued: August 7, 2009

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PUBLIC CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached **ORDER** has been served upon the Commission Investigative Attorney, Erin D. Joffre, Esq., and the following parties as indicated, on

AUG 07 2009



Marilyn R. Abbott, Secretary
U.S. International Trade Commission
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