

PUBLIC VERSION

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN WINDSHIELD WIPERS
AND COMPONENTS THEREOF**

Inv. No. 337-TA-928

Inv. No. 337-TA-937

(Consolidated)

**ORDER No. 26: DENYING VALEO'S MOTION TO STRIKE CERTAIN EXHIBITS
AND TESTIMONY RELATING TO PEUGEOT 307 CC, AND
DENYING VALEO'S MOTION FOR SANCTIONS**

(June 18, 2015)

On June 3, 2015, Complainants Valeo North America, Inc. and Delmex de Juarez S. de R.L. de C.V. (collectively, "Valeo") filed a motion to strike certain exhibits and testimony relating to Peugeot 307 CC. (Motion Docket No. 928-035.) On June 15, 2015, Respondents Trico Products Corporation and Trico Componentes SA de CV (collectively, "Trico"), filed a response in opposition to Valeo's motion to strike. On June 11, 2015, Valeo also filed a motion for sanctions in connection with its motion to strike. (Motion Docket No. 928-037.)

Specifically, Valeo moved to strike Exhibits RDX-11C, RDX-12, RDX-14, RX-81, RX-84 to RX-88, and RX-91 to RX-94, as well as Questions & Answers 106-151 of Paul Wozniak's direct witness statement, on the basis that such exhibits and testimony were excluded by Order No. 20. Trico responds that the documents and testimony should be allowed for other purposes such as impeachment or as corroborating evidence of Trico's other invalidity contentions.¹

I agree with Trico that the Peugeot 307 CC exhibits and testimony may be permissible for other purposes, including impeachment and corroboration. Order No. 20 prevents Trico from asserting that evidence as invalidating prior art, but Trico may still use it for other purposes.²

¹ These documents and testimony must still be moved and admitted into evidence.

² The propriety of Paul Wozniak's testimony relating to Peugeot 307 CC will be more specifically assessed in connection with Valeo's third motion to strike, filed June 9, 2015.

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Accordingly, Valeo's motion to strike is DENIED. In addition, because I do not find Trico's arguments to be frivolous at this stage, Valeo's motion for sanctions is also DENIED.

Within 7 days of the date of this order, the parties shall jointly submit: (1) a proposed public version of this order with any proposed redactions bracketed in red; and (2) a written justification for any proposed redactions specifically explaining why the piece of information sought to be redacted is confidential and why disclosure of the information would be likely to cause substantial harm or likely to have the effect of impairing the Commission's ability to obtain such information as is necessary to perform its statutory functions.³

SO ORDERED.



Thomas B. Pender
Administrative Law Judge

³ Under Commission Rules 210.5 and 201.6(a), confidential business information includes:

information which concerns or relates to the trade secrets, processes, operations, style of works, or apparatus, or to the production, sales, shipments, purchases, transfers, identification of customers, inventories, or amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or other organization, or other information of commercial value, the disclosure of which is likely to have the effect of either impairing the Commission's ability to obtain such information as is necessary to perform its statutory functions, or causing substantial harm to the competitive position of the person, firm, partnership, corporation, or other organization from which the information was obtained, unless the Commission is required by law to disclose such information.

See 19 C.F.R. § 201.6(a). Thus, to constitute confidential business information the disclosure of the information sought to be designated confidential must **likely have the effect of** either: (1) impairing the Commission's ability to obtain such information as is necessary to perform its statutory functions; or (2) **causing substantial harm** to the competitive position of the person, firm, partnership, corporation, or other organization from which the information was obtained.

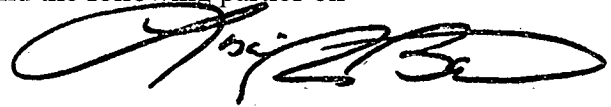
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CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **PUBLIC ORDER NO. 26** have been served upon, **The Office of Unfair Import Investigations** and the following parties on

JUN 25 2015



Lisa R. Barton, Secretary
U.S. International Trade Commission
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