

Taiwan (collectively "the Respondents"). The complaint further alleged that an industry in the United States exists as required by subsection (a)(2) of section 337. On August 3, 2006, the Commission issued a notice not to review an initial determination (ID) granting partial termination of this investigation as to the '801, '685, '299, '658 patents.

On December 4, 2006, the ALJ issued the final ID, finding that the '119, '912, and '979 patents are invalid due to public use; that the '890, '552, '135, '579, '561, '044, and '615 patents are not invalid, are enforceable, and are infringed; and that there is a domestic industry involving the patents in issue. Thus, he found a violation of section 337 of the Tariff Act of 1930, as amended.

On December 15, 2006, Ford and the Respondents filed petitions for review. Ford sought review of the ALJ's finding that the '119, '912 and '979 patents are invalid as anticipated. The Respondents petitioned for review of the ALJ's findings that patents '890, '552, '579, '135, '615, '561, and '044 were not anticipated, obvious, or unenforceable and that none of the ten patents at issue were unenforceable for inequitable conduct, and of Orders No. 7 and 12, in which the ALJ denied certain affirmative defenses. The Office of Unfair Import Investigations opposed both petitions for review. On December 15, 2006, all parties filed responses to the petitions for review.

On December 26, 2006, the Commission determined to extend the deadline for determining whether to review the ALJ's ID by 60 days to March 20, 2007, and to extend the target date for completion of the investigation by 60 days to May 4, 2007.

On March 20, 2007, the Commission issued a notice of its decision not to review the ID. The notice indicated that the Commission sought comments from the parties to the investigation, interested government agencies, and any other interested parties on the issues of remedy, the public interest, and bonding.

On March 30, 2007, the Commission received comments from Ford, the Respondents, the IA, and from interested parties including Public Citizen Inc., the Center for Auto Safety, the Automotive Aftermarket Association, the National Association of Mutual Insurance Companies, and Property Casualty Insurers Association of America. Reply submissions were received from the National Automobile Dealers Association and the Alliance of Automobile Manufacturers.

On May 1, 2007, the respondents petitioned for reconsideration of the Commission's determination not to review the ALJ's finding in his final ID that the seven remaining design patents at issue were not invalid for obviousness based on a recent Supreme Court decision, *KSR Int'l Co. v. Teleflex Inc.*, 530 U.S. ____ (2007). On May 4, the Commission determined to waive the deadline for filing a petition for reconsideration and to extend the target date in the investigation to June 6, 2007 in order to consider respondents' petition for reconsideration. On May 9, 2007 and May 11, 2007, respectively, the IA and the complainant filed briefs in opposition to the respondents' petition. And on May 16, 2007, the respondents filed a motion for leave to supplement their petition for reconsideration.

Having examined the relevant portions of the record in this investigation, including the ALJ's ID and Recommended Determination (RD), the patents-at-issue, respondents' petition for reconsideration, responses thereto, and the written submissions on remedy, the public interest, and bonding, the Commission has made determinations regarding the issues remaining in the investigation. Particularly, the Commission has determined to deny respondents' petition for reconsideration and their motion for leave to supplement their petition. Further, the Commission has determined to issue a general exclusion

order prohibiting unlicensed entry for consumption of certain automotive parts that infringe the claim of the '890, '552, '579, '135, '615, '561, and '044 patents. In so doing, the Commission determined that the public interest factors enumerated in section 337(d) do not preclude the issuance of the aforementioned remedial order and that the bond during the period of Presidential review shall be 100 percent of the entered value of the articles in question. The Commission's order was delivered to the United States Trade Representative on the day of its issuance.

This action is taken under the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337(d)(2)), and sections 210.41, 210.48, and 210.50 of the Commission's Rules of Practice and Procedure, (19 C.F.R. §§ 210.41, 210.48, and 210.50).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: June 6, 2007