

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C.**

**In the Matter of**

**CERTAIN ELECTRICAL  
CONNECTORS, COMPONENTS  
THEREOF, AND PRODUCTS  
CONTAINING THE SAME**

**Investigation No. 337-TA-1043**

**NOTICE OF COMMISSION DECISION TO REVERSE AN  
INITIAL DETERMINATION GRANTING RESPONDENTS' MOTION FOR SUMMARY  
DETERMINATION OF INVALIDITY AS TO ALL ASSERTED CLAIMS AND TO  
REMAND THE INVESTIGATION**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to reverse an initial determination (AID@) (Order No. 24) of the presiding administrative law judge (AALJ@) granting respondents' motion for summary determination of invalidity of asserted claims 2, 4, and 9-10 of U.S. Patent No. 7,004,766 ("the '766 patent") and to remand the investigation to the presiding ALJ.

**FOR FURTHER INFORMATION CONTACT:** Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 708-2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on March 14, 2017, based on a complaint filed by J.S.T. Corporation of Farmington Hills, Michigan. 82 FR 13654-55. The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by reason of infringement of claims 2, 4, and 9-10 of the '766 patent. The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named the following respondents: Robert Bosch GmbH of

Baden-Wuerttemberg, Germany; Bosch Automotive Products (Suzhou) Co., Ltd. of Jiangsu, China; Robert Bosch LLC of Broadview, Illinois; Robert Bosch, Sistemas Automatrices, S.A. de C.V. of Chihuahua, Mexico; Robert Bosch Ltda. of Campinas-SP, Brazil; and Hon Hai Precision Industry Co., Ltd. and Foxconn Interconnect Technology, Ltd., both of New Tapei City, Taiwan. The Office of Unfair Import Investigations is not participating in the investigation.

On September 28, 2017, the ALJ issued a *Markman* Claim Construction Order (Order No. 23) finding indefinite the following claim terms: “end regions,” “proximate to two opposite ends,” and “the second holes are provided in a center region of the tine plate between the end regions.” These terms are found in each asserted claim of the ’766 patent. On October 10, 2017, respondents filed an unopposed motion for summary determination of invalidity of all asserted claims based on Order No. 23’s findings of indefiniteness.

On October 16, 2017, the ALJ issued the subject ID (Order No. 24) granting respondents’ motion for summary determination of invalidity of claims 2, 4, and 9-10 of the ’766 patent and staying the procedural schedule. The ALJ found that summary determination of invalidity of these claims is appropriate based on his previous finding of indefiniteness as to these terms in his *Markman* Order. See Order No. 23 at 7-15 (expressly incorporated by reference). Complainant filed a petition for review on October 27, 2017. On November 3, 2017, respondents filed their combined response in opposition. On November 14, 2017, complainant filed a motion for leave to file a reply to respondents’ response along with its reply. On November 17, 2017, respondents filed their combined response to complainant’s motion for leave. The Commission has determined to deny the motion.

On November 30, 2017, the Commission determined to review the subject ID. Specifically, the Commission determined to review the ID’s finding that claim terms “end regions,” “proximate to two opposite ends,” and “the second holes are provided in a center region of the tine plate between the end regions” are indefinite, thereby rendering the asserted claims invalid.

Having reviewed the record in this investigation, including the subject ID, the petition for review, and the response thereto, the Commission has determined to reverse the ID’s granting of summary determination of invalidity, including Order No. 23’s finding of indefiniteness, and to construe the terms at issue from asserted claims 2, 4, and 9-10 of the ’766 patent. Specifically, the Commission construes the terms as follows: (1) “end regions” to mean “the areas located at the two opposite ends of the tine plate in the substantially longitudinal direction”; (2) “proximate to two opposite ends” to mean “adjacent to the two opposite ends of the tine plate in the substantially longitudinal direction”; and (3) “the second holes are provided in a center region of the tine plate between the end regions” to mean “the second holes are located in a center area that is located between the areas at the two opposite ends of the tine plate in the substantially longitudinal direction.” Accordingly, the Commission has also determined to remand the investigation to the presiding ALJ for proceedings consistent with the Commission’s claim construction.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton  
Secretary to the Commission

Issued: March 26, 2018