

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 REVIEW AN
INITIAL DETERMINATION GRANTING RESPONDENTS' MOTION FOR SUMMARY
DETERMINATION OF INVALIDITY AS TO ALL ASSERTED CLAIMS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review an initial determination (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").

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.

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 stayed 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.

Having examined the record of this investigation, including the subject ID, the petition for review, and the responses thereto, the Commission has determined to review the subject ID. Specifically, the Commission has 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 which led to its finding that claims 2, 4, and 9-10 of the ’766 are invalid. The Commission does not request further briefing at this time.

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.



Lisa R. Barton
Secretary to the Commission

Issued: November 30, 2017