

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN BATTERIES AND
ELECTROCHEMICAL DEVICES
CONTAINING COMPOSITE
SEPARATORS, COMPONENTS
THEREOF, AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-1087

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN
INITIAL DETERMINATION EXTENDING THE TARGET DATE**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Corrected Order No. 39) of the presiding administrative law judge (“ALJ”) extending the target date by approximately one month, from March 28, 2019 to April 30, 2019.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-4716. 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 November 28, 2017, based on a complaint, as supplemented, filed by LG Chem, Ltd. of South Korea; LG Chem Michigan Inc. of Holland, Michigan; LG Chem Power Inc. of Troy, Michigan; and Toray Industries, Inc. of Japan (collectively, “Complainants” or “LG”). *See* 82 FR 56265 (Nov. 28, 2017). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain batteries and electrochemical devices containing composite separators, components thereof, and products

containing same, by reason of infringement of claims 1, 2, 5-15, and 18 of U.S. Patent No. 7,662,517; claims 1-5, 9-12, 14-31, and 33-36 of U.S. Patent No. 7,638,241; and claims 1-13 and 16-20 of U.S. Patent No. 7,709,152. *See id.* The notice of investigation names: Amperex Technology Limited of Hong Kong; DJI Technology Co., Ltd. of Shenzhen, China; DJI Technology, Inc. of Burbank, California; Guangdong OPPO Mobile, Telecommunications Corp., Ltd. of Guangdong, China; and OPPO Digital, Inc. of Menlo Park, California as respondents in this investigation. *See id.* The Office of Unfair Import Investigations is not a party to this investigation. *See id.*

On November 16, 2018, the parties filed a joint motion to extend the due date for issuing a final initial determination, in view of the parties' agreement to enter into a license and settlement agreement. On November 26, 2018, the ALJ issued the subject ID (Corrected Order No. 39) extending the target date by approximately one month, from March 28, 2019 to April 30, 2019, and setting the deadline for issuing a final initial determination to December 31, 2018. The ID states that "good cause exists to extend the target date in this investigation" because "the public interest is best served by providing the parties with the time they need to finalize their settlement agreement while conserving the Commission resources that would otherwise be used to issue, process, and review a final initial determination on violation in this investigation." *See* ID at 1-2.

No petition for review of the subject ID was filed. The Commission has determined not to review the ID.

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: December 11, 2018