

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CARBURETORS AND PRODUCTS
CONTAINING SUCH CARBURETORS**

Investigation No. 337-TA-1123

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO
U.S. PATENT NO. 6,540,212**

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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 72) granting an unopposed motion to terminate the investigation as to U.S. Patent No. 6,540,212 ("the '212 patent").

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436, telephone (202) 205-2737. 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 July 20, 2018, based on a complaint, as supplemented, filed on behalf of Walbro, LLC of Tucson, Arizona ("Complainant"). 83 FR 34,614 (July 20, 2018). The complaint, as supplemented, alleges violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain carburetors and products containing such carburetors by reason of infringement of one or more of U.S. Patent Nos. 6,394,424; 6,439,547; 6,533,254; 7,070,173; and the '212 patent. The complaint further alleges that an industry in the United States exists as required by section 337. The notice of investigation named numerous

respondents. The Office of Unfair Import Investigations (“OUII”) was named as a party in this investigation.

On July 11, 2019, Complainant and various respondents filed an unopposed motion to terminate the investigation as to the ’212 patent. On July 22, 2019, OUII filed a response supporting the motion.

On August 5, 2019, the ALJ issued the subject ID, granting the motion. The ID explains that the parties certify “there are no agreements, written or oral, express or implied between the Moving Parties concerning the subject matter of this Investigation.” ID at 2. The ID finds that there are no extraordinary circumstances that would prevent the requested partial termination of the investigation. *Id.* No party petitioned for review of the ID.

The Commission has determined not to review the ID. The ’212 patent is terminated from the investigation.

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 C.F.R. Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton", written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: August 22, 2019