

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

**In the Matter of**

**CERTAIN LITHIUM-ION BATTERY  
CELLS, BATTERY MODULES,  
BATTERY PACKS, COMPONENTS  
THEREOF, AND PRODUCTS  
CONTAINING THE SAME**

**Investigation No. 337-TA-1181**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW  
AN INITIAL DETERMINATION GRANTING COMPLAINANTS' MOTION FOR  
SUMMARY DETERMINATION ON ECONOMIC PRONG**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 28) of the presiding administrative law judge (“ALJ”), granting Complainants’ motion for summary determination on economic prong of the domestic industry requirement.

**FOR FURTHER INFORMATION CONTACT:** Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3427. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov). General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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:** On November 4, 2019, the Commission instituted this investigation based on a complaint filed by LG Chem, Ltd. of Seoul, Republic of Korea; LG Chem Michigan Inc. of Holland, Michigan; and Toray Industries, Inc. of Tokyo, Japan (collectively, “Complainants”). 84 FR 59415 (Nov. 4, 2019). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, due to the importation into the United States, sale for importation, or sale in the United States after importation of certain lithium-ion battery cells, battery modules, battery packs, components thereof, and products containing the same that purportedly infringe one or more claims of U.S. Patent Nos. 7,662,517; 7,638,241; 7,709,152; and 7,771,877. *Id.* The complaint also alleges the existence of a domestic industry. *Id.* The notice of investigation names SK Innovation Co., Ltd.,

of Seoul, Republic of Korea and SK Battery America, Inc., of Atlanta, Georgia (collectively, “Respondents”) as respondents. *Id.* The Office of Unfair Import Investigations was not named as a party. *Id.*

On October 9, 2020, Complainants filed a motion for partial summary determination as to the economic prong of the domestic industry requirement. On October 22, 2020, Respondents filed an opposition.

On November 23, 2020, the presiding ALJ issued the subject ID (Order No. 28) granting the motion. The ID finds that there is no genuine issue of material fact and that Complainants are entitled to summary determination as a matter of law that Complainants have satisfied the economic prong of the domestic industry requirement of Section 337(a)(2) and (3), 19 U.S.C. 1337(a)(2), (3).

No petitions for review of the ID were filed.

The Commission has determined not to review the subject ID.

The Commission vote for this determination took place on December 23, 2020.

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 23, 2020