

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

In the Matter of

**CERTAIN VEHICLE CONTROL
SYSTEMS, VEHICLES CONTAINING
THE SAME, AND COMPONENTS
THEREOF**

Inv. No. 337-TA-1235

NOTICE OF INSTITUTION OF INVESTIGATION

Institution of Investigation Pursuant to 19 U.S.C. 1337

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on November 19, 2020, under section 337 of the Tariff Act of 1930, as amended, on behalf of Jaguar Land Rover Limited of the United Kingdom and Jaguar Land Rover North America, LLC of Mahwah, New Jersey. A supplement was filed on December 10, 2020. The complaint, as supplemented, alleges violations of 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 vehicle control systems, vehicles containing the same, and components thereof by reason of infringement of certain claims of U.S. Patent No. RE46,828 (“the ‘828 patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205-1802.

SUPPLEMENTARY INFORMATION:

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission’s Rules of Practice and Procedure, 19 C.F.R. 210.10 (2020).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on December 21, 2020, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 21, 25-37, 39, and 41-47 of the ‘828 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission’s Rules of Practice and Procedure, 19 C.F.R. 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “automobile driving-mode control systems, components thereof, and automobiles containing those automobile driving-mode systems”;

(3) Notwithstanding any Commission Rules to the contrary, which are hereby waived, the respondents shall, and complainants may, present evidence and arguments concerning the ease or difficulty (in terms of, e.g., time, cost and technological requirements), of removing, replacing, or altering the accused automobile driving-mode control systems, and the presiding administrative law judge shall, as part of any recommended determination issued pursuant to Commission Rule 210.42(a)(1)(ii), make findings and issue a recommendation concerning the impact of this issue on any remedy or concerning the potential tailoring of any remedy based on this issue;

(4) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Jaguar Land Rover Limited
Abbey Road, Whitley
Coventry CV3 4LF
United Kingdom

Jaguar Land Rover North America, LLC
100 Jaguar Land Rover Way
Mahwah, NJ 07495

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Dr. Ing. h.c. F. Porsche AG
d/b/a Porsche AG
Porscheplatz 1
D-70435 Stuttgart, Germany

Porsche Cars North America, Inc.,
One Porsche Drive
Atlanta, GA 30354

Automobili Lamborghini S.p.A.
Via Modena 12
40091 Sant'Agata Bolognese (BO)
Italy

Automobili Lamborghini America, LLC
2200 Ferdinand Porsche Drive,
Herndon, VA 20171

Volkswagen AG
Berliner Ring 2
38440 Wolfsburg, Germany

Volkswagen Group of America, Inc.
2200 Ferdinand Porsche Drive
Herndon, VA 20171

Audi AG
Auto-Union-Straße 1
85057 Ingolstadt, Germany

Audi of America, LLC
2200 Ferdinand Porsche Drive
Herndon, VA 20171

(5) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not be named as a party to this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.13. Pursuant to 19 C.F.R. 201.16(e) and 210.13(a), as amended in 85

Fed. Reg. 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainants of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton".

Lisa R. Barton
Secretary to the Commission

Issued: December 21, 2020