

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

**In the Matter of**

**CERTAIN CLOUD-CONNECTED  
WOOD-PELLET GRILLS AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-1237**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING COMPLAINANT'S MOTION FOR SUMMARY  
DETERMINATION THAT THE ECONOMIC PRONG OF THE DOMESTIC  
INDUSTRY REQUIREMENT IS SATISFIED**

**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") (Order No. 26) of the presiding chief administrative law judge ("CALJ") granting complainant's motion for summary determination that it has satisfied the economic prong of the domestic industry requirement with respect to U.S. Patent Nos. 10,218,833 ("the '833 patent") and 10,158,720 ("the '720 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 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, telephone 202-205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on January 4, 2021, based on a complaint filed on behalf of Traeger Pellet Grills LLC ("Traeger") of Salt Lake City, Utah. 86 FR 129-30 (Jan. 4, 2021). The complaint, as supplemented, 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 cloud-connected wood-pellet grills and components thereof by reason of infringement of certain claims of the '833 and '720 patents. The Commission's notice of investigation named GMG Products LLC of Lakeside, Oregon as the sole respondent. The Office of Unfair Import Investigations is not participating in the investigation.

On July 21, 2021, Traeger filed an unopposed motion requesting summary determination that it has satisfied the economic prong of the domestic industry requirement with respect to the '833 and '720 patents.

On August 10, 2021, the CALJ issued the subject ID granting Traeger's unopposed motion. No party filed a petition for review.

The Commission has determined not to review the subject ID. Chair Kearns notes that it remains an open question to him whether the significance of U.S. investments under Section 337(a)(3)(B) should be evaluated in light of all employment of labor and capital, including for manufacturing (both foreign and domestic), rather than being limited to a single category like R&D. *See Certain Movable Barrier Operator Systems and Components Thereof*, Inv. No. 337-TA-1118, Separate Views of Chair Kearns Regarding Economic Prong Issues (Jan. 12, 2021). In affirming the ALJ's grant of summary determination here, he finds that given the apparent importance of R&D to the IT-based inventions at issue, and the large share of R&D occurring in the United States, and in the absence of any argument to the contrary, it is unlikely that information on other types of investments would cause him to question the existence of a domestic industry.

The Commission vote for this determination took place on September 9, 2021.

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: September 9, 2021