

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

In the Matter of

**CERTAIN PORTABLE BATTERY JUMP
STARTERS AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1256

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING A JOINT MOTION TERMINATING THE
INVESTIGATION AS TO A RESPONDENT BASED ON SETTLEMENT**

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. 31) of the presiding administrative law judge (“ALJ”) granting an unopposed joint motion to terminate the investigation as to respondent Walmart, Inc. (“Walmart”) of Bentonville, Arkansas based on settlement. Respondent Walmart is terminated from the investigation.

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. 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 March 23, 2021, based on a complaint filed by The NOCO Company (“NOCO”) of Glenwillow, Ohio. 86 FR 15496-98 (Mar. 23, 2021). The complaint, as amended and 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 portable battery jump starters and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 9,007,015 and 10,604,024, and U.S. Trademark Registration Nos. 4,811,656 and 4,811,749. The complaint further alleges the existence of a domestic industry. The Commission’s notice of investigation, as amended,

named forty-seven (47) respondents, including Walmart. 86 FR 27650-51 (May 21, 2021). The Office of Unfair Import Investigations is participating in the investigation.

The Commission has previously terminated multiple respondents from the investigation. *See* Order No. 9 (Apr. 13, 2021), *unreviewed by* Comm'n Notice (May 12, 2021); Order No. 11 (Apr. 19, 2021), *unreviewed by* Comm'n Notice (May 4, 2021); Order No. 14 (Apr. 23, 2021), *unreviewed by* Comm'n Notice (May 18, 2021); Order No. 21 (July 7, 2021), *unreviewed by* Comm'n Notice (July 26, 2021); Order No. 23 (July 13, 2021), *unreviewed by* Comm'n Notice (July 29, 2021).

On August 27, 2021, NOCO and Walmart jointly moved to terminate the investigation as to Walmart based on a settlement agreement between NOCO and Walmart. The motion was unopposed.

On September 20, 2021, the ALJ issued the subject ID (Order No. 31). The ID grants the unopposed joint motion to terminate the investigation as to Walmart based on settlement. The ID finds that the joint motion satisfies the requirements of Commission Rule 210.21(b) (19 CFR 210.21(b)) and that terminating the investigation as to Walmart is not contrary to the public interest. No party petitioned for review of the ID.

The Commission has determined not to review the subject ID. Walmart is terminated from the investigation.

The Commission vote for this determination took place on October 12, 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: October 12, 2021