

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

**In the Matter of**

**CERTAIN MARINE AIR  
CONDITIONING SYSTEMS,  
COMPONENTS THEREOF, AND  
PRODUCTS CONTAINING THE SAME**

**Investigation No. 337-TA-1346**

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW AND, ON REVIEW,  
TO AFFIRM AN INITIAL DETERMINATION GRANTING SUMMARY  
DETERMINATION OF INVALIDITY**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review and, on review, to affirm the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 19) granting in part summary determination of invalidity, and on review, to supplement the ID's finding that claims 1, 2, 4, 5, and 7 of U.S. Patent No. 8,056,351 ("the '351 patent") are invalid under 35 U.S.C. 102(b).

**FOR FURTHER INFORMATION CONTACT:** Paul Lall, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2043. 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:** On December 13, 2022, the Commission instituted this investigation based on a complaint, as supplemented, filed on behalf of Dometic Corporation of Rosemont, Illinois and Dometic Sweden AB of Solna, Sweden (collectively, "Dometic"). 87 FR 76216-17 (Dec. 13, 2022) ("Notice of Investigation"). The complaint 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 marine air conditioning systems, components thereof, and products containing the same by reason of the infringement of certain claims of the '351 patent. *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Notice of Investigation named four (4) respondents: (1) Shanghai Hopewell Industrial Co. Ltd. of Shanghai, China; (2) Shanghai Hehe Industrial Co. Ltd. of Shanghai, China; (3) CitiMarine, L.L.C. of Doral,

Florida; and (4) Mabru Power Systems, Inc. of Dania Beach, Florida (collectively, “Respondents”). *Id.* The Office of Unfair Import Investigations is not participating in this investigation.

On June 12, 2023, Respondents filed a motion and supporting memorandum for summary determination of invalidity based on anticipation and/or obviousness for claims 1-5, 7, and 18-22 of the ’351 Patent. On June 22, 2023, Dometic filed an opposition.

On July 18, 2023, the ALJ issued the subject ID (Order No. 19) pursuant to Commission Rule 210.18(b) (19 CFR 210.18), granting in part Respondents’ Motion. More specifically, the ID finds that the “Vector Compact” marine air-conditioner (also called the “VCP12K product”) qualifies as prior art “at least based on the on-sale provision” of 35 USC 102(b) and that it anticipates claims 1, 2, 4, 5, and 7 of the ’351 Patent. *See* ID at 9-29.

On July 25, 2023, Dometic filed a petition for review of the ID, and on August 1, 2023, Respondents filed an opposition to Dometic’s petition. On August 9, 2023, Dometic filed a motion with the Commission seeking leave to file a reply in support of their petition for review, and on August 11, 2023, Respondents filed an opposition to Dometic’s motion for leave.

Having examined the record of this investigation, including the parties’ submissions, the Commission has determined to review the subject ID and, on review, to affirm with supplementation the ID’s finding that claims 1, 2, 4, 5, and 7 of the ’351 patent are invalid as anticipated under 35 USC 102(b). The Commission has also determined to deny Complainants’ motion for leave to file a reply. Concurrent with this notice, the Commission has issued an opinion further explaining its determination.

The Commission vote for this determination took place on September 13, 2023.

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 13, 2023