

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN VARIABLE VALVE
ACTUATION DEVICES AND
AUTOMOBILES CONTAINING THE
SAME**

Investigation No. 337-TA-954

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO CERTAIN
PATENT CLAIMS AND RESPONDENT FIAT CHRYSLER AUTOMOBILES N.V.**

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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 13) terminating the above-captioned investigation as to: (1) claims 1, 4, 10, 13, 15-18, 25, and 27-28 of U.S. Patent No. 7,059,282 ("the '282 patent"); claims 3, 5, 13-16, 18-19, 22, 35-36, 38-44, 46-48, 50, and 54-56 of U.S. Patent No. 8,776,738 ("the '738 patent"); and claims 1-5, 7, 10, 19-23, and 26-28 of U.S. Patent No. 8,820,276 ("the '276 patent"); and (2) respondent Fiat Chrysler Automobiles N.V. ("Fiat") of Slough, United Kingdom.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2310. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.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: The Commission instituted this investigation on April 14, 2015, based on an amended complaint filed by Jacobs Vehicle Systems, Inc. of Bloomfield, Connecticut. 80 *Fed. Reg.* 20012 (Apr. 14, 2015). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by reason of infringement of certain claims of U.S. Patent No. 6,474,277; U.S. Patent No. 6,883,492 ("the '492 patent"); U.S. Patent No. 5,829,397 ("the '397 patent"); and the '282, '738, and '276 patents. The complaint further alleged that a domestic industry exists or is in the process of

being established. The Commission's Notice of Investigation named several respondents including Fiat; FCA US LLC of Auburn Hills, Michigan; FCA Mexico, S.A. de C.V. of Sante Fe, Mexico; FCA Melfi S.p.A. of Melfi, Italy; and FCA Serbia d.o.o. Kragujevac of Kragujevac, Serbia. The Office of Unfair Import Investigations was also named as a party to the investigation. The '397 and '492 patents were later terminated from the investigation.

On November 25, 2015, complainant moved for partial termination of the investigation based on: (1) withdrawal of its allegations of infringement as to the above-identified claims; and (2) withdrawal of all allegations against Fiat. No party opposed the motion.

On November 30, 2015, the ALJ issued the subject ID (Order No. 13) granting complainant's motion and finding that the motion for partial termination satisfies Commission rule 210.21(a)(1). No party petitioned for review of the ID.

The Commission has determined not to review the ID.

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 C.F.R. Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: December 21, 2015