

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN TABLE SAWS
INCORPORATING ACTIVE INJURY
MITIGATION TECHNOLOGY AND
COMPONENTS THEREOF**

Investigation No. 337-TA-965

**NOTICE OF COMMISSION DETERMINATION TO DENY A MOTION REQUESTING
A STAY OF THE EFFECTIVE DATE OF REMEDIAL ORDERS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined to deny a motion requesting a stay of the effective date of remedial orders in this investigation.

FOR FURTHER INFORMATION CONTACT: Ron Traud, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205-3427. 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 SW., Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission’s Electronic Docket Information System (“EDIS”) (<https://edis.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 September 1, 2015, based on a complaint filed by SawStop, LLC and SD3, LLC (collectively, “SawStop”). 80 FR 52791. The notice of investigation named as respondents Robert Bosch Tool Corporation and Robert Bosch GmbH (collectively, “Bosch”). *Id.* The amended complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain table saws incorporating active injury mitigation technology and components thereof by reason of patent infringement. *See* 81 FR 81154 (Nov. 17, 2016). The Office of Unfair Import Investigations is not a party to this investigation.

The presiding administrative law judge (“ALJ”) issued his final initial determination (“ID”) on September 9, 2016, finding a violation of section 337. *See id.* On September 20, 2016, the ALJ issued a recommended determination, recommending issuance of a limited exclusion order against Bosch’s infringing products, and a cease and desist order (collectively, the “remedial orders”) against Robert Bosch Tool Corporation. *See id.*

The Commission determined not to review the final ID. 81 FR 81154. On January 27, 2017, after considering submissions on the public interest, remedy and bonding, the Commission issued the remedial orders. *See* 82 FR 9075 (Feb. 2, 2017). Those orders were transmitted the same day to the President and the Acting United States Trade Representative (“USTR”) pursuant to 19 U.S.C. 1337(j)(1)(B) and 70 FR 43251 (July 21, 2005) (Presidential memorandum assigning certain functions to the USTR), starting the sixty-day Presidential review period.

On February 17, 2017, Bosch filed a motion under 5 U.S.C. 705 seeking an order postponing the effective date of the remedial orders pending resolution of Bosch’s appeal of the Commission’s final determination to the Federal Circuit. In addition or in the alternative, Bosch seeks an order postponing the effective entry date of the remedial orders until the confirmation by the Senate of a USTR, or a stay of the enforcement of the orders until sixty days after the confirmation by the Senate of a USTR. SawStop filed a response opposing the motion.

The Commission has determined to deny Bosch’s motion. First, Bosch has not shown that the four-factor balancing test for determining whether to stay the remedial orders pending judicial review weighs in favor of issuing a stay. Second, Bosch has not identified any legal authority allowing the Commission to stay the remedial orders pending confirmation of a USTR.

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: April 14, 2017