

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN ROAD MILLING MACHINES
AND COMPONENTS THEREOF**

Investigation No. 337-TA-1067

**NOTICE OF EXTENSION OF THE DATE FOR THE COMMISSION
DETERMINATION ON WHETHER TO REVIEW A FINAL INITIAL
DETERMINATION AND EXTENSION OF THE TARGET DATE**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that in view of the shutdown of the Federal Government, the U.S. International Trade Commission has determined to extend until February 21, 2019, the date by which it decides whether to review the final Initial Determination (“ID”) in the above-referenced investigation, and to extend until March 8, 2019, the target date for completion of the investigation

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, Washington, D.C. 20436, telephone (202) 205-3115. 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, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://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 under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“section 337”), on August 25, 2017, based on a complaint filed by Wirtgen America, Inc. of Antioch, Tennessee. 82 FR 40596-97 (Aug. 25, 2017). The complaint alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 9,644,340; 9,624,628 (“the ‘628 patent”); 9,656,530; 7,530,641; and 7,828,309. The notice of investigation named Caterpillar Bitelli SpA of Minerbio, Italy (“Caterpillar Bitelli”); Caterpillar Prodotti Stradali S.r.L. of Minerbio, Italy; Caterpillar Americas CV of Geneva, Switzerland; Caterpillar Paving Products, Inc. of Minneapolis, MN; and Caterpillar Inc. of Peoria, IL as respondents. *Id.* at 40596. The Office of

Unfair Import Investigations is named as a party in this investigation. *Id.* Subsequently, the investigation was terminated as to respondent Caterpillar Bitelli. The investigation was also terminated with respect to the '628 patent.

The evidentiary hearing on the question of violation of section 337 concluded on April 23, 2018. The final ID on violation was issued on October 1, 2018. The ALJ issued his recommended determination on remedy, the public interest and bonding on October 15, 2018. The ALJ found no violation of section 337 in this investigation. All parties to this investigation filed timely petitions for review of various portions of the final ID, as well as timely responses to the petitions.

Currently, the Commission deadline for whether to review the ID (*see* 19 C.F.R. § 210.43(d)) is January 17, 2019, and the target date for completion of the investigation (*see id.* § 210.51) is February 1, 2019. The Commission has determined to extend the whether-to-review date to February 21, 2019, and the target date for completion of the investigation to March 8, 2019.

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.



Lisa R. Barton
Secretary to the Commission

Issued: February 4, 2019