

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN THERMOPLASTIC-
ENCAPSULATED ELECTRIC
MOTORS, COMPONENTS THEREOF,
AND PRODUCTS AND VEHICLES
CONTAINING SAME II**

Investigation No. 337-TA-1073

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION IN PART AS TO U.S.
PATENT NO. 7,067,944 ASSERTED AGAINST CERTAIN RESPONDENTS**

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. 22) terminating the investigation in part as to U.S. Patent No. 7,067,944 asserted against certain respondents.

FOR FURTHER INFORMATION CONTACT: Amanda S. Fisherow, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-2737. 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 (<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 on October 11, 2017, based on a complaint filed by Intellectual Ventures II LLC (“Complainant”) of Bellevue, Washington. 82 FR 47250-51 (Oct. 11, 2017). The complaint alleges 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 thermoplastic-encapsulated electric motors, components thereof, and products and vehicles containing same by reason of infringement of certain claims of U.S. Patent Nos. 7,154,200; 7,067,944 (“the ’944 patent”); 7,067,952; 7,683,509; and 7,928,348. *Id.* The notice of investigation named numerous respondents, including: Bayerische Motoren Werke AG

of Munich, Germany; BMW of North America of Woodcliff Lake, New Jersey; and BMW Manufacturing Co., LLC of Greer, South Carolina (collectively “BMW”). The Office of Unfair Import Investigations (“OUII”) also was named as a party to the investigation. *Id.*

On March 13, 2018, Complainant and BMW filed a joint motion to terminate the investigation in part based on the withdrawal of the ’944 patent against BMW. The joint motion stated that there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation. OUII did not oppose the request and the other respondents did not take a position on the motion.

On March 16, 2018, the ALJ issued an order granting the joint motion to terminate the ’944 patent as to BMW. The ALJ found that no extraordinary circumstances prevent the partial termination of the investigation. No petitions for review were filed.

The Commission has determined not to review the subject 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 CFR 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: April 17, 2018