

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

**In the Matter of**

**CERTAIN GAS SPRING NAILER  
PRODUCTS AND COMPONENTS  
THEREOF**

**Investigation No. 337-TA-1082**

**NOTICE OF COMMISSION DETERMINATION TO EXTEND THE TARGET DATE  
FOR COMPLETION OF THE INVESTIGATION**

**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 extend the target date for completion of the investigation to February 28, 2020.

**FOR FURTHER INFORMATION CONTACT:** Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., 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, SW., 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 November 20, 2017, based on a complaint filed on behalf of Kyocera Senco Brands Inc. (“Kyocera”) of Cincinnati, Ohio. 82 *Fed. Reg.* 55118-19 (Nov. 20, 2017). The complaint, as amended and supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain gas spring nailer products and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 8,011,547 (“the ’547 patent”); 8,267,296 (“the ’296 patent”); 8,27,297 (“the ’297 patent”); 8,387,718 (“the ’718 patent”); 8,286,722 (“the ’722 patent”); and 8,602,282 (“the ’282 patent”). The complaint further alleges the existence of a domestic industry. The

Commission's notice of investigation named as a respondent Hitachi Koki U.S.A., Ltd. ("Hitachi") of Braselton, Georgia. The Office of Unfair Import Investigations is not participating in the investigation. The '547 patent has been terminated from the investigation and the notice of investigation was amended to add claim 30 of the '297 patent to the investigation. Order No. 13 (June 4, 2018), *unreviewed by Comm'n Notice* (June 22, 2018); Order No. 15 (June 19, 2018), *unreviewed by Comm'n Notice* (July 9, 2018). Prior to the evidentiary hearing, the parties stipulated that the '718 patent is the only remaining patent at issue since no violation could be shown as to the '296, '297, '722, and '282 patents based on an evidentiary ruling limiting the scope of testimony of Kyocera's expert. *See Final Initial Determination ("ID")* at 1-2.

On June 7, 2019, the presiding administrative law judge ("ALJ") issued his final ID finding no violation of section 337 as to the '718 patent. The ID finds non-infringement and that Kyocera has not satisfied the domestic industry requirement based on the "system controller" limitation of the asserted claims not being met by either Hitachi's accused products or Kyocera's domestic industry products.

On August 14, 2019, the Commission determined to review the final ID with respect to infringement and the domestic industry requirement. The Commission also determined to remand to the ALJ certain issues regarding infringement and the technical prong of the domestic industry requirement.

On August 26, 2019, the ALJ issued a non-ID order (Order No. 33) extending the target date for completion of the investigation to February 28, 2020. In accordance with Order No. 33, the Commission has determined to extend the target date for completion of the investigation to February 28, 2020. *See* 19 CFR 210.51, 210.44.

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 30, 2019