

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

In the Matter of

**CERTAIN POUCH-TYPE BATTERY
CELLS, BATTERY MODULES, AND
BATTERY PACKS, COMPONENTS
THEREOF, AND PRODUCTS
CONTAINING THE SAME**

Investigation No. 337-TA-1179

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION EXTENDING THE TARGET DATE IN THE
INVESTIGATION**

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. 21) of the presiding Chief Administrative Law Judge (“CALJ”) extending the target date for the completion of the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., 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 may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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: On October 9, 2019, the Commission instituted Inv. No. 337-TA-1179, *Certain Pouch-Type Battery Cells, Battery Modules, and Battery Packs, Components Thereof, and Products Containing the Same*, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by SK Innovation Co., Ltd. of the Republic of Korea and SK Battery America, Inc. of Atlanta, Georgia (collectively, “SK”). 84 FR 54173-74 (Oct. 9, 2019). The complaint alleges a violation of 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 pouch-type battery cells, battery modules, and battery packs, components thereof, and products containing the same by reason of infringement of claims 1-36 of U.S. Patent No. 10,121,994. The complaint named as

respondents LG Chem, Ltd. of Seoul, Republic of Korea, and LG Chem Michigan, Inc. of Holland, Michigan (collectively, “LG”). The Commission’s Office of Unfair Import Investigations (“OUII”) also was named as a party.

On March 5, 2020, complainants SK and respondents LG (together, “the Private Parties”) jointly moved for modification of the procedural schedule. OUII did not object to the modification.

The Private Parties explained that under the current procedural schedule, fact discovery will end on March 31, 2020. Mot. at 2. Before the close of fact discovery, SK and LG were scheduled to take 20 to 30 depositions, the vast majority in Seoul, South Korea. *Id.* However, the spread of coronavirus (COVID-19) in South Korea made completing these depositions before the close of discovery “impracticable and perhaps impossible.” *Id.* The Private Parties submitted that it is in the interests of public health and safety to modify the procedural schedule. The Private Parties agreed that this necessitates an extension of the target date.

On March 10, 2020, the presiding CALJ issued the subject ID extending the target date in this investigation. The CALJ found that the extraordinary circumstances arising from the global outbreak of COVID-19 warranted a modification of the procedural schedule and an extension of the target date. ID at 2. The CALJ therefore extended the target date to June 4, 2021, making the final ID on violation due no later than the close of business on February 4, 2021. No party petitioned for review of the ID.

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.



Lisa R. Barton
Secretary to the Commission

Issued: April 8, 2020