

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

**In the Matter of**

**CERTAIN VEHICLE CONTROL  
SYSTEMS, VEHICLES CONTAINING THE  
SAME, AND COMPONENTS THEREOF**

**Investigation No. 337-TA-1235**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION PARTIALLY TERMINATING THE INVESTIGATION WITH  
RESPECT TO CERTAIN WITHDRAWN PATENT CLAIMS**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 43) issued by the presiding administrative law judge (“ALJ”) partially terminating the investigation with respect to certain withdrawn patent claims.

**FOR FURTHER INFORMATION CONTACT:** Carl P. Bretscher, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-2382. 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](mailto: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 on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on December 29, 2020, based on a complaint, as supplemented, filed by Jaguar Land Rover Ltd. of Coventry, United Kingdom and Jaguar Land Rover North America, LLC of Mahwah, New Jersey (collectively, “JLR”). 85 FR 85659-660 (Dec. 29, 2020). The complaint, as supplemented, 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, sale for importation, or sale in the United States after importation of certain vehicle control systems, vehicles containing the same, and components thereof by reason of infringement of certain claims of U.S. Patent No. RE46,828 (“the ’828 patent”). The complaint further alleges that a domestic industry exists. *Id.* The Commission’s notice of investigation named the following respondents: Dr. Ing. h.c. F. Porsche AG (d/b/a Porsche AG) of Stuttgart, Germany; Porsche Cars North America, Inc. of Atlanta, Georgia; Automobili Lamborghini S.p.A. of Sant’Agata Bolognese, Italy; Automobili Lamborghini America, LLC of Herndon, Virginia; Volkswagen AG of Wolfsburg, Germany;

Volkswagen Group of America, Inc. of Herndon, Virginia; Audi AG of Ingolstadt, Germany; and Audi of America, LLC of Herndon, Virginia. *Id.* The Office of Unfair Import Investigations was not named as a party to this investigation. *Id.*

On May 3, 2021, JLR filed an unopposed motion for partial termination of the investigation due to the withdrawal of claims 27-29 and 32 of the '828 patent. On May 4, 2021, the presiding ALJ issued the subject ID (Order No. 43) granting JLR's unopposed motion. Order No. 43 (May 4, 2021). Pursuant to Commission Rule 210.21(a), 19 CFR 210.21(a), the subject ID finds there are no other agreements, written or oral, express or implied, between the parties concerning the subject matter of the investigation, and no extraordinary circumstances that would prevent the termination of this investigation as to the listed claims. The ID terminates the subject claims from the investigation.

No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID. Accordingly, the investigation is partially terminated with respect to claims 27-29 and 32 of the '828 patent.

The Commission vote for this determination took place on June 1, 2021.

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: June 1, 2021