

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 TWO INITIAL
DETERMINATIONS 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RESPECT TO CERTAIN WITHDRAWN PATENT CLAIMS**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 two initial determinations (“ID”) (Order Nos. 47 and 48) 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by the presiding administrative law judge (“ALJ”), partially terminating the investigation with respect to certain withdrawn patent claims.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. 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.*

The Commission previously terminated the investigation with respect to claims 27-29 and 32 of the '828 patent based on an unopposed motion filed by JLR. Order No. 43 (May 3, 2021), *unreviewed by* Comm'n Notice (June 1, 2021).

On July 7, 2021, JLR filed an unopposed motion for partial termination of the investigation due to the withdrawal of claims 33 and 34 of the '828 patent. On August 4, 2021, the presiding ALJ issued the first of the two subject IDs (Order No. 47) granting JLR's unopposed motion. Order No. 47 (Aug. 4, 2021).

On August 2, 2021, JLR filed another unopposed motion for partial termination of the investigation due to the withdrawal of claims 26, 30, 31, 35, and 36 of the '828 patent. On August 5, 2021, the ALJ issued the second of the two subject IDs (Order No. 48) granting JLR's unopposed motion. Order No. 48 (Aug. 5, 2021).

Pursuant to Commission Rule 210.21(a) (19 CFR 210.21(a)), the subject IDs (Order Nos. 47 and 48) find that 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 IDs terminate the subject claims from the investigation.

No petition for review of either of the subject IDs was filed.

The Commission has determined not to review either of the subject IDs. Accordingly, the investigation is partially terminated with respect to claims 26, 30, 31, and 33-36 of the '828 patent.

The Commission vote for this determination took place on August 18, 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: August 18, 2021