

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN PORTABLE BATTERY JUMP
STARTERS AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1256

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO RESPONDENT
ADVANCE AUTO PARTS, INC. BASED ON A SETTLEMENT AGREEMENT**

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. 11) of the presiding administrative law judge (“ALJ”) granting a joint motion to terminate the investigation as to respondent Advance Auto Parts, Inc. (“AAP”) of Raleigh, North Carolina based on a settlement agreement. AAP is terminated from the investigation.

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 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: The Commission instituted this investigation on March 23, 2021, based on a complaint filed by The NOCO Company (“NOCO”) of Glenwillow, Ohio. 86 FR 15496-98 (Mar. 23, 2021). The complaint, as amended and supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain portable battery jump starters and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 9,007,015 and 10,604,024, and U.S. Trademark Registration Nos. 4,811,656 and 4,811,749. The complaint further alleges the existence of a domestic industry. The Commission’s notice of investigation named forty-four (44) respondents, including AAP. The Office of Unfair Import Investigations is participating in

the investigation.

On April 16, 2021, NOCO and AAP jointly moved to terminate the investigation as to AAP based on a settlement agreement between NOCO and AAP that resolves all issues between these two parties. No other party opposed the motion.

On April 19, 2021, the ALJ issued the subject ID (Order No. 11), granting the unopposed motion to terminate the investigation as to AAP based on the settlement agreement. The ID finds that the motion for termination satisfied Commission Rule 210.21(a)(2) and (b)(1) (19 CFR 210.21(a)(2), (b)(1)) and that terminating the investigation as to AAP is not contrary to the public interest. No party petitioned for review.

The Commission has determined not to review the subject ID. AAP is terminated from the investigation.

The Commission vote for this determination took place on May 3, 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: May 4, 2021