

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN WINDSHIELD WIPER
DEVICES AND COMPONENTS
THEREOF**

Investigation No. 337-TA-881

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING-IN-PART COMPLAINANTS' MOTION FOR
SUMMARY DETERMINATION THAT THEY HAVE SATISFIED THE DOMESTIC
INDUSTRY REQUIREMENT**

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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 33) granting-in-part the motion of complainants Federal-Mogul Corporation of Southfield, Michigan and Federal-Mogul S.A. of Aubange, Belgium (collectively "Federal-Mogul") for summary determination on domestic industry.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2301. 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, S.W., 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 June 11, 2013, based on a complaint filed by Federal-Mogul. 78 *Fed. Reg.* 35050-51 (June 11, 2013). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by reason of infringement of certain claims of U.S. Patent No. 8,347,449 ("the '449 patent"). The complaint further alleges the existence of a domestic industry. The Commission's Notice of Investigation, as amended, named as respondents Trico Products Corporation of Rochester Hills, Michigan; Trico Products of Brownsville, Texas; and Trico Components, SA de CV of Matamoros, Mexico (collectively "Trico"). The Office of Unfair Import Investigations was also named as a party.

On November 25, 2013, Federal-Mogul moved for summary determination on domestic industry. On November 27, 2013, Trico and the Commission investigative attorney (“IA”) responded to the motion. Both Trico and the IA agreed that Federal-Mogul had satisfied its burden to demonstrate the existence of the economic prong of the domestic industry requirement, but they opposed Federal-Mogul’s motion as to the technical prong. On December 18, 2013, the ALJ found that summary determination concerning whether Federal-Mogul satisfies the technical prong was not appropriate.

On January 27, 2014, the ALJ issued the subject ID, granting-in-part Federal-Mogul’s motion with respect to the economic prong. He found that there is no dispute that Federal-Mogul’s significant investments in plant and equipment, significant employment of labor and capital, and substantial investments in exploitation of the ’449 patent satisfies the economic prong of the domestic industry requirement.

On February 3, 2014, Trico filed a petition for review of the subject ID. On February 10, 2014, Federal-Mogul and the IA each filed a response opposing the petition for review.

The Commission has determined not to review the 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 C.F.R. Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Acting Secretary to the Commission

Issued: February 25, 2014