



## INTERNATIONAL TRADE COMMISSION

### Investigation No. 337-TA-998

### Certain Hybrid Electric Vehicles and Components Thereof

#### Institution of Investigation

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

**ACTION:** Notice

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 15, 2016, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Paice LLC of Baltimore, Maryland and Abell Foundation, Inc. of Baltimore, Maryland. An amended complaint was filed on April 29, 2016. The amended complaint alleges violations 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 hybrid electric vehicles and components thereof by reason of infringement of certain claims of U.S. Patent No. 7,104,347 (“the ’347 patent”); U.S. Patent No. 7,237,634 (“the ’634 patent”); and U.S. Patent No. 8,214,097 (“the ’097 patent”). The amended complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

**ADDRESSES:** The amended complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal

on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (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>.

**FOR FURTHER INFORMATION CONTACT:** The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

**AUTHORITY:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2015).

**SCOPE OF INVESTIGATION:** Having considered the amended complaint, the U.S. International Trade Commission, on May 17, 2016, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain hybrid electric vehicles and components thereof by reason of infringement of one or more of claims 24, 25, 27, 28, 30, 32, and 41 of the '347 patent; claims 33-44, 46, 50, 52-55, 91, 92, 94, 95, 97, 110, 112, 226, 227, 229-231, 239-241, 252, 253, 255-259, 265-267, 278, 279, 281-283, 285, 289-291 of the '634 patent; and claims 21, 27, 30, 33, and 37 of the '097 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Paice LLC

111 South Calvert Street, Suite 2310

Baltimore, MD 21202

Abell Foundation, Inc.

111 South Calvert Street, Suite 2300

Baltimore, MD 21202

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Volkswagen AG

Brieffach 1849

D-38436 Wolfsburg

Germany

Volkswagen Group of America, Inc.

2200 Ferdinand Porsche Drive

Herndon, VA 20171

Dr. Ing. H.C. F. Porsche AG

Porscheplatz 1

D-70435

Germany

Porsche Cars North America, Inc.  
980 Hammond Drive, Suite 1000  
Atlanta, GA 30328

Audi AG  
Ettinger Straße  
D-85045, Ingolstadt  
Germany

Audi of America, LLC  
2200 Ferdinand Porsche Drive  
Herndon, VA 20171

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the amended complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the amended complaint and the notice of investigation.

Extensions of time for submitting responses to the amended complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the amended complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the amended complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Lisa R. Barton

Secretary to the Commission

Issued: May 18, 2016

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