

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN PORTABLE BATTERY JUMP
STARTERS AND COMPONENTS
THEREOF (II)

Inv. No. 337-TA-1359

NOTICE OF FINAL INITIAL DETERMINATION ON VIOLATION OF SECTION 337

(July 5, 2024)

On this date, the undersigned issued an initial determination on violation of section 337 in the above-captioned matter.¹ For the reasons discussed therein, it is the undersigned's final initial determination that there has not been a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain portable battery jump starters and components thereof by reason of infringement of claims 1, 3, 10, and 14 of U.S. Patent No. 9,770,992 ("the '992 patent"); claims 1, 11, and 16 of U.S. Patent No. 10,328,808 ("the '808 patent"); claims 1, 19, 32, 39, and 54 of U.S. Patent No. 11,447,023 ("the '023 patent"); or claims 1, 2, 18, and 54 of U.S. Patent No. 11,584,243 ("the '243 patent").

This determination is based on the following conclusions of law:


1. The Accused Products have been imported into the United States, sold for importation, and/or sold within the United States after importation.
2. The Commission has *in rem* jurisdiction over the Accused Products.
3. The asserted claims of the '992 patent and '808 patent are not infringed by the Carku Accused Products.

¹ The determination has been issued with a confidential designation. A public version shall issue within 30 days, or in the time necessary to identify and redact the confidential business information therein, pursuant to Commission Rule 210.5(f). 19 C.F.R. § 210.5(f).

4. The technical prong of the domestic industry requirement has been met for the '992 and '808 patents.
5. The asserted claims of the '992 and '808 patents are invalid as obvious.
6. The economic prong of the domestic industry requirement has been met for the '992 and '808 patents.
7. The asserted claims of the '023 and '243 patents are infringed by certain of the ADC Accused Products and are not infringed by the Carku Accused Products.
8. The technical prong of the domestic industry requirement has been met for the '023 and '243 patents.
9. The asserted claims of the '023 and '243 patents are invalid as obvious.
10. The economic prong of the domestic industry requirement has been met for the '023 and '243 patents.

Pursuant to Commission Rule 210.42(a)(1)(ii), a recommended determination on remedy, bonding, and the public interest will issue within 14 days of this initial determination. 19 C.F.R. § 210.42(a)(1)(ii).

SO ORDERED.



Monica Bhattacharyya
Administrative Law Judge