

Perkins Coie Clients Win Another Favorable Determination of No Violation in Section 337 Investigation Before U.S. International Trade Commission

WASHINGTON, D.C., (July 8, 2024)—Perkins Coie is pleased to announce that a firm trial team has won a favorable ruling of no violation for a group of eleven clients as part of a Section 337 Investigation before the U.S. International Trade Commission (ITC).

The firm’s ITC trial team led by partner [Kevin Patariu](#) defended the eleven manufacturing and technology clients based in Shenzhen, China and in the United States before the ITC and successfully secured a ruling of no violation of Section 337 of the Tariff Act of 1930 in an initial determination by Administrative Law Judge Monica Bhattacharyya. The investigation is related to imports into the United States of portable battery jump starters and their components.

Perkins Coie’s clients include Shenzhen Carku Technology Co., Ltd., Aukey Technology Co., Ltd., Shenzhen Gooloo E-Commerce Co., Ltd., Hulkman LLC, Metasee LLC, Ace Farmer LLC, and others. Complainant, The NOCO Company, Inc., initiated the ITC investigation in March 2023, accusing Perkins Coie clients of violating Section 337 for the importation into the United States or sale after importation of certain portable battery jump starters and their components alleged to infringe five NOCO U.S. patents. NOCO later amended the complaint to assert a sixth patent. NOCO withdrew its allegations for two of the six asserted patents during the late stages of the investigation. ITC Administrative Law Judge Bhattacharyya held the evidentiary hearing in late February to early March of 2024, and, on July 5, issued a ruling in favor of Perkins Coie’s clients, finding no violation of Section 337, and specifically, finding all four remaining NOCO asserted patents invalid and not infringed by any Shenzhen Carku’s jump starter products.

This ITC investigation was the third of three consecutive ITC investigations brought by NOCO against Shenzhen Carku and other Chinese and U.S. companies involved in manufacturing, importation, sale, or support of portable jump starters in the United States. The first ITC Investigation in which NOCO alleged patent infringement, concluded in June 2022 and Perkins Coie and Shenzhen Carku successfully achieved a final determination of no violation for all respondents. The second ITC investigation in which NOCO alleged trade dress infringement, false designation of origin, false advertising, and unfair competition, resulted in an initial determination of no violation of Section 337 in May 2024.

The Perkins Coie’s ITC trial team for the investigation included partners and national ITC practice co-chairs [Kevin Patariu](#) and [John Schnurer](#), partners [Kyle Canavera](#), [John Esterhay](#), and [Bing Ai](#), counsel [Wei Yuan](#), and associate [Eric Maas](#).

“We are pleased to have prevailed at the ITC for a third time against NOCO on behalf for our clients,” said [Kevin Patariu](#), Perkins Coie’s lead trial counsel for all three ITC investigations. “The responses to this series of Section 337 investigations before the ITC provide important lessons for U.S. and foreign technology companies on how to prepare and defend themselves at the ITC when facing serious allegations and potential dire

consequences of being excluded from the U.S. market. Our clients involved in this ITC investigation look forward to focusing on continuing to develop and deliver innovative products to customers in the United States.”

For more information, please see the ITC’s notice of institution of investigation [here](#) and notice of initial determination [here](#). Learn more about Perkins Coie nationally recognized ITC Litigation practice [here](#).

Perkins Coie is a leading global law firm, dedicated to helping the world’s most innovative companies solve the legal and business challenges of tomorrow. Learn about our work and values [here](#).

Media Inquiries: Please email [Justin Cole](#), Head of Media Relations.

Contact



[Kevin J. Patariu](#)

Partner

KPatariu@perkinscoie.com [858.720.5726](tel:858.720.5726)



[John P. Schnurer](#)

Partner

JSchnurer@perkinscoie.com [858.720.5705](tel:858.720.5705)



[Kyle R. Canavera](#)

Partner

KCanavera@perkinscoie.com [858.720.5782](tel:858.720.5782)



John D. Esterhay

Partner

JEsterhay@perkinscoie.com [858.720.5758](tel:858.720.5758)



Bing Ai

Partner

Ai@perkinscoie.com [858.720.5707](tel:858.720.5707)



Wei Yuan

Counsel

WYuan@perkinscoie.com [858.720.5798](tel:858.720.5798)



Eric Maas

Associate

EMaas@perkinscoie.com [858.284.5541](tel:858.284.5541)

Explore more in

[Intellectual Property Law](#) [ITC Litigation](#)

Media inquiries