

Street SW, Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://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 November 29, 2017, based on a complaint, as supplemented, filed by Caterpillar Inc. of Peoria, Illinois and Caterpillar Paving Products, Inc. of Minneapolis, Minnesota (collectively, "Complainants"). See 82 FR 56625-26 (Nov. 29, 2017). The complaint, as 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 road construction machines and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 7,140,693 ("the '693 patent"); 9,045,871 ("the '871 patent"); and 7,641,419 ("the '419 patent"). See *id.* The notice of investigation identifies the following respondents: Wirtgen GmbH of Windhagen, Germany; Joseph Vögele AG of Ludwigshafen, Germany; Wirtgen Group of Windhagen, Germany; and Wirtgen America of Antioch, Tennessee. See *id.* The Office of Unfair Import Investigations is not a party to this investigation. See *id.*

The ALJ terminated the '871 patent from the investigation after finding the asserted claims of that patent to be invalid under 35 U.S.C. 101. See Order No. 18 (May 24, 2018), *previously reviewed*, Comm'n Notice (July 3, 2018). The Commission terminated the '419 patent from the investigation after Complainants withdrew their allegations with respect to that patent. See Order No. 26 (July 5, 2018), *unreviewed*, Comm'n Notice (July 25, 2018). The Commission also terminated claim 25 of the '693 patent from the investigation after Complainants withdrew their allegations as to that claim. See Order No. 38 (Oct. 16, 2018), *unreviewed*, Comm'n Notice (Nov. 9, 2018).

On February 14, 2019, the ALJ issued the FID finding a violation of section 337 by certain accused products by reason of infringement of claim 19 of the '693 patent. In addition, the FID finds all the asserted claims, except claim 19

of the '693 patent, to be invalid as anticipated and/or obvious over the prior art. Furthermore, the FID finds that Complainants have satisfied the domestic industry requirement with respect to the '693 patent. The ALJ also issued a recommended determination ("RD") recommending that the Commission issue an LEO against the infringing products and a CDO against each respondent. The ALJ further recommended against setting a bond during the period of Presidential review.

On April 12, 2019, the Commission issued a Notice determining to review the FID in part. See 84 FR 16282-83 (Apr. 18, 2019). The Commission's notice solicited written submissions on remedy, the public interest, and bonding. On April 30, 2019, the parties filed written submissions in response to the April 12, 2019 Notice, and on May 10, 2019, the parties filed responses to each other's submissions.

Having examined the record of this investigation, including the FID, the RD, and the parties' submissions, the Commission has determined to affirm with modification the FID's ultimate conclusion of a section 337 violation with respect to claim 19 of the '693 patent. In addition, as explained in the Commission Opinion filed concurrently herewith, the Commission has determined to modify the FID's findings with respect to: (1) The construction of the claim term "a retracted position relative to said frame"; (2) the infringement of the asserted method claims, *i.e.*, claims 17-19, 24, 26-28, and 38 of the '693 patent; (3) the invalidity of claims 1, 15-18, 24, 26, 27, 36, and 38 of the '693 patent over Volpe SF-100 T4 in view of U.S. Patent No. 3,633,292 (Ulrich); (4) no invalidity of claims 1, 15-19, 24, 26-28, 36, and 38 of the '693 patent over U.S. Patent No. 3,843,274 (Gutman) alone or in combination with other prior art; and (5) no invalidity of claim 19 over Volpe SF-100 T4 in view of Ulrich and WO 97/42377 (Busley). All findings in the FID that are not inconsistent with the Commission's determination are affirmed.

The Commission has also determined to affirm the ALJ's initial determination (Order No. 18) terminating the '871 patent from the investigation based on the invalidity of the asserted claims of that patent under 35 U.S.C. 101. Commissioner Schmidlein dissents from the Commission's decision to affirm Order No. 18 and has filed a separate dissenting opinion.

Accordingly, the Commission finds that there is a violation of section 337 with respect to claim 19 of the '693 patent. The Commission has determined

that the appropriate remedy is a limited exclusion order against Wirtgen Group, Wirtgen GmbH, and Wirtgen America's infringing products, and a cease and desist order against Wirtgen America. The Commission has also determined that the public interest factors enumerated in subsections 337(d)(1) and (f)(1) (19 U.S.C. 1337(d)(1), (f)(1)) do not preclude the issuance of the limited exclusion order and cease and desist order. The Commission has further determined to set a bond at zero (0) percent of entered value during the Presidential review period (19 U.S.C. 1337(j)).

The Commission's orders and opinion were delivered to the President and to the United States Trade Representative on the day of their issuance.

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.

Issued: June 27, 2019.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2019-14189 Filed 7-2-19; 8:45 am]

**BILLING CODE 7020-02-P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1166]

### Certain Foodservice Equipment 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 May 30, 2019, under section 337 of the Tariff Act of 1930, as amended, on behalf of Illinois Tool Works, Inc. of Glenview, Illinois; Vesta Global Limited of Hong Kong; Vesta (Guangzhou) Catering Equipment Co., Ltd. of China; and Admiral Craft Equipment Corp. of Westbury, New York. A letter supplement was filed on June 14, 2019. The supplemented complaint alleges violations of section 337 based upon in the importation of articles into the United States, or in the sale of such articles by the owner, importer, or consignee of certain foodservice equipment and components thereof by reason of misappropriation of trade secrets and unfair competition through

tortious interference with contractual relationships, the threat or effect of which is to destroy or substantially injure a domestic industry.

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 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 SW, Room 112, Washington, DC 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 <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Pathenia M. Proctor, The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

**SUPPLEMENTARY INFORMATION:**

*Authority:* The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2019).

*Scope of Investigation:* Having considered the complaint, the U.S. International Trade Commission, on June 26, 2019, 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)(A) of section 337 in the importation of articles into the United States, or in the sale of such articles by the owner, importer, or consignee, of certain products identified in paragraph (2) by reason of misappropriation of trade secrets or unfair competition through tortious interference with contractual relationships, the threat or effect of which is to destroy or substantially injure an industry in the United States;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and

Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "commercial kitchen equipment and components thereof for use in restaurants, bars, cafes, cafeterias, or the like";

(3) 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:  
Illinois Tool Works Inc., 155 Harlem Avenue, Glenview, IL 60025  
Vesta Global Limited, Unit 902 9F, 113 Argyle Street, Mong Kok, Kowloon, Hong Kong  
Vesta (Guangzhou) Catering Equipment Co., Ltd., 43 South Lianglong Street, Huashan town, Huadu District, Guangzhou, China 510880  
Admiral Craft Equipment Corp., 800 Shames Drive, Westbury, NY 11590

(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:

Guangzhou Rebenet Catering Equipment Manufacturing Co., Ltd., 101, 9 Jintian Industrial Road, Huadong Town, Huadu District, Guangzhou, China 510890

Zhou Hao, Team 3, Xihe Village, Yankou Town, Xixiang County, Shaanxi, Province, China 723502  
Aceplus International Limited (aka Ace Plus International Ltd.), Rm. 1104, Fuli Tianhe Commercial Building, #4 HuaTing Road, Guangzhou, China 510610

Guangzhou Liangsheng Trading Co., Ltd., Rm. 1104, Fuli Tianhe Commercial Building, #4 HuaTing Road, Guangzhou, China 510610  
Zeng Zhaoliang, Room 1104, Fuli Tian He Shang Mao Building, No. 4, Tian He Bei Lin He Dong Hua Ting Road, Guangzhou Guangdong Province, China 510610

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street SW, Suite 401, Washington, DC 20436; and

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

Responses to the 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 complaint and the notice of investigation. Extensions of time for submitting responses to the 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 complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the 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 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.

Issued: June 27, 2019.

**Lisa Barton,**

*Secretary to the Commission.*

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**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337-TA-1068]

**Certain Microfluidic Devices; Notice of Modification of Deadline for Reply Supplemental Submissions on the Public Interest**

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

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (the "Commission") has determined to modify the deadline for reply supplemental submissions on the public interest.

**FOR FURTHER INFORMATION CONTACT:** Ron Traud, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-3427. 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 SW, Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its