

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN VARIABLE SPEED WIND
TURBINES AND COMPONENTS THEREOF**

Investigation No. 337-TA-641

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING GE'S AMENDED MOTION FOR SUMMARY
DETERMINATION THAT THE ECONOMIC PRONG OF THE DOMESTIC
INDUSTRY REQUIREMENT HAS BEEN SATISFIED**

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 an initial determination ("ID") (Order No. 30) issued by the presiding administrative law judge ("ALJ") granting GE's amended motion for summary determination that the economic prong of the domestic industry requirement has been satisfied.

FOR FURTHER INFORMATION CONTACT: James A. Worth, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3065. 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: This investigation was instituted on March 31, 2008, based on a complaint filed by General Electric Company ("GE"). The complaint alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain variable speed wind turbines and components thereof that allegedly infringe certain claims of United States Patent Nos. 5,083,039 and 6,921,985. The complaint, as amended,

named Mitsubishi Heavy Industries, Ltd., Mitsubishi Heavy Industries of America, Inc., and Mitsubishi Power Systems Americas, Inc. (collectively, "MHI") as respondents.

On October 8, 2008, the Commission issued notice of its decision not to review an ID granting a motion to amend the complaint and notice of investigation to add allegations of infringement for claims 1-19 of U.S. Patent No. 7,321,221.

On December 4, 2008, GE filed a motion for summary determination that it has satisfied the economic prong of the domestic industry requirement. On January 14, 2009, GE filed an amended motion for summary determination that it has satisfied the economic prong. On January 26, 2009, MHI filed a response in opposition to the motion. On March 2, 2009, the Commission investigative attorney filed a response in support of the motion.

On April 2, 2009, the ALJ issued the subject ID, granting GE's amended motion. No petitions for review were filed.

The Commission has determined not to review the subject 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 section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: April 21, 2009