

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN AUTOMATED MECHANICAL
TRANSMISSION SYSTEMS FOR
MEDIUM-DUTY AND HEAVY-DUTY
TRUCKS, AND COMPONENTS
THEREOF**

Inv. No. 337-TA-503

NOTICE OF INVESTIGATION

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. §1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 1, 2003, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. §1337, on behalf of Eaton Corporation of Cleveland, Ohio. A supplement to the Complaint was filed on December 3, 2003. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain automated mechanical transmissions for medium-duty and heavy-duty trucks, and components thereof, by reason of infringement of claim 15 of U.S. Patent No. 4,899,279, claims 1-20 of U.S. Patent No. 5,335,566, claims 2-4 and 6-16 of U.S. Patent No. 5,272,939, claims 1-13 of U.S. Patent No. 5,624,350, claims 1, 3, 4, 6-9, 11, 13, 14, 16, and 17 of U.S. Patent No. 6,149,545, and claims 1-16 of U.S. Patent No. 6,066,071. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and a permanent cease and desist order.

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, 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 imaging system (EDIS) at <http://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: Jay H. Reiziss, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2579.

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 C.F.R. § 210.10 (2003).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on December 31, 2003, 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 automated mechanical transmission systems for medium-duty and heavy-duty trucks, or components thereof by reason of infringement of claim 15 of U.S. Patent No. 4,899,279, claims 1-20 of U.S. Patent No. 5,335,566, claims 2-4 and 6-16 of U.S. Patent No. 5,272,939, claims 1-13 of U.S. Patent No. 5,624,350, claims 1, 3, 4, 6-9, 11, 13, 14, 16, or 17 of U.S. Patent No. 6,149,545, or claims 1-16 of U.S. Patent No. 6,066,071 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 complainant is –

Eaton Corporation
Eaton Center
1111 Superior Avenue
Cleveland, OH 44114-2584

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

ZF Meritor LLC
22021 Skyway Church Road
Maxton, NC 28364

ZF Friedrichshafen AG
Allmannsweilerstrasse 25
88046 Friedrichshafen
Germany

ArvinMeritor, Inc.
2135 West Maple Road
Troy, MI 48084

(c) Jay H. Reiziss, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436, who shall be the Commission investigative attorney, party to this investigation; and

(4) For the investigation so instituted, the Honorable Paul J. Luckern is designated as the presiding administrative law judge.

A response 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 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(d) 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 the 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 a final determination containing such findings, and may result in the issuance of a limited exclusion order or cease and desist order or both directed against such respondent.

By order of the Commission.

Marilyn R. Abbott
Secretary

Issued: December 31, 2003