

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 COMMISSION DECISION NOT TO REVIEW
AN INITIAL DETERMINATION FINDING THAT COMPLAINANT SATISFIES THE
ECONOMIC PRONG OF THE DOMESTIC INDUSTRY REQUIREMENT OF
SECTION 337 AS IT RELATES TO MEDIUM-DUTY TRANSMISSIONS**

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 the presiding administrative law judge's ("ALJ's") initial determination ("ID")(Order No. 45) that the economic prong of the domestic industry requirement has been met for complainant's medium-duty transmissions.

FOR FURTHER INFORMATION CONTACT: Timothy P. Monaghan, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3152. Copies of the public version of the ID and all nonconfidential 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. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<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>.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 7, 2004, based on a complaint filed by Eaton Corporation of Cleveland, Ohio. *69 Fed. Reg.* 936 (January 7, 2004). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930 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 (“the ‘279 patent”); claims 1-20 of U.S. Patent No. 5,335,566 (“the ‘566 patent”); claims 2-4 and 6-16 of U.S. Patent No. 5,272,939 (“the ‘939 patent”); claims 1-13 of U.S. Patent No. 5,624,350 (“the ‘350 patent”); claims 1, 3, 4, 6-9, 11, 13, 14, 16, and 17 of U.S. Patent No. 6,149,545 (“the ‘545 patent”); and claims 1-16 of U. S. Patent No. 6,066,071 (“the ‘071 patent”). The complaint and notice of investigation named three respondents: ZF Meritor LLC, of Maxton, North Carolina; ZF Friedrichshafen AG, of Friedrichshafen, Germany; and ArvinMeritor, Inc., of Troy, Michigan.

On July 21, 2004, the Commission issued notice that it had determined not to review ALJ Order No. 20, terminating the investigation as to the ‘071 patent and as to claims 2, 3, and 5-20 of the ‘566 patent, claims 4, 7, and 12 of the ‘350 patent, and claims 4, 8-9, and 14 of the ‘545 patent. On August 11, 2004, the Commission issued notice that it had determined not to review ALJ Order No. 31, terminating the investigation as to the ‘939 patent and as to claims 10, 11, and 13 of the ‘350 patent. On August 16, 2004, the Commission issued a notice that it determined not to review ALJ Order No. 28, granting complainant’s motion for partial summary determination that it satisfied the economic prong of the domestic industry requirement with respect to its heavy-duty transmissions. On August 23, 2004, the Commission issued notice that it had determined not to review ALJ Order No. 30, determining that complainant did not meet the technical prong of the domestic industry requirement as to the ‘350 patent, thus terminating the investigation as to that patent.

On July 22, 2004, complainant Eaton moved for a summary determination that it satisfies the economic prong of the domestic industry requirement of section 337 as to its medium-duty automated transmissions. On August 24, 2004, the ALJ issued an ID (Order No. 45) granting complainant's motion.

No party petitioned for review of the 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: September 23, 2004