

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN STARTER MOTORS AND
ALTERNATORS**

Investigation No. 337-TA-755

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING JOINT MOTION TO TERMINATE THE
INVESTIGATION AS TO RESPONDENT WETHERILL ASSOCIATES, INC.
BASED ON A SETTLEMENT AGREEMENT**

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") initial determination ("ID") (Order No. 47) granting the joint motion of Remy International, Inc. and Remy Technologies, L.L.C. (collectively, "Remy") and respondent Wetherill Associates, Inc. d/b/a WAI Global ("Wetherill") for termination of the investigation based on a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Erin D.E. Joffe, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2550. 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: The Commission instituted this investigation on January 19, 2011, based on a complaint filed by Remy. 76 *Fed. Reg.* 3158. The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, (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 starter motors and alternators by reason of infringement of certain claims of U.S. Patent No. 5,105,114 ("the '114 patent"); U.S. Patent No. 5,252,878 ("the '878 patent"); U.S. Patent No. 5,268,605 ("the '605 patent"); U.S. Patent No. 5,295,404 ("the '404 patent"); U.S. Patent No. 5,307,700 ("the '700 patent"); U.S. Patent No. 5,315,195 ("the '195

patent”); and U.S. Patent No. 5,453,648 (“the ‘648 patent”). On April 27, 2011, the ALJ granted Remy’s motion to amend the complaint to add two additional respondents. Order No. 14 (April 27, 2011), Notice of Commission Determination Not to Review (May 13, 2011). The complaint, as amended, named ten respondents, including Wetherill. On June 3, 2011, the ALJ granted Remy’s motion to partially terminate the investigation as to the ‘114 patent. Order No. 17 (June 3, 2011), Notice of Commission Determination Not to Review (June 30, 2011). On September 28, 2011, the ALJ granted the motion for partial termination of the investigation as to respondent Wetherill based upon a consent order that was limited to the ‘605, ‘404, ‘700 and ‘648 patents, which are subject to the consent order, and excluded the ‘878 and ‘195 patents. Order No. 31 (September 28, 2011), Notice of Commission Decision Not to Review (October 27, 2011). On November 10, 2011, the ALJ issued an ID terminating the investigation as to Metric Sales & Engineering, Inc. based upon a consent order. Order No. 44 (November 10, 2011), Notice of Commission Determination Not to Review (December 2, 2011).

On November 10, 2011, Remy and Wetherill filed a joint motion to terminate the investigation as to Wetherill based upon a settlement agreement. On November 21, 2011, the Investigative Attorney filed a response opposing the motion absent submission of the final technical drawing that was not included in the corresponding exhibits to the settlement agreement. No other responses were filed.

On November 29, 2011, the ALJ issued the subject ID (Order No. 47), granting the motion for termination of the investigation as to Wetherill based upon the settlement agreement. On December 1, 2011, Wetherill filed a supplement to Exhibit B of the final settlement agreement. No petitions for review of this ID were filed.

The Commission has determined not to review 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.

/s/
James R. Holbein
Secretary to the Commission

Issued: December 29, 2011