

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

_____)
In the Matter of)

CERTAIN ELECTRIC ROBOTS AND)
COMPONENT PARTS THEREOF)
_____)

Inv. No. 337-TA-530

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANT’S MOTION FOR SUMMARY
DETERMINATION REGARDING THE ECONOMIC PRONG OF THE DOMESTIC
INDUSTRY REQUIREMENT**

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”) issued by the presiding administrative law judge (“ALJ”) granting complainant’s motion for summary determination regarding the economic prong of the domestic industry requirement under section 337.

FOR FURTHER INFORMATION CONTACT: Rodney Maze, Esq., 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 (<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 patent-based section 337 investigation was instituted by the Commission based on a complaint filed by FANUC Robotics America, Inc. (“FANUC”) of Rochester Hills, Michigan. 70 *Fed. Reg.* 2881 (January 18, 2005). The complainant 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 electric robots and component parts thereof by reason of infringement of claims 1-24

of U.S. Patent No. 6,477,913 (“the ‘913 patent”). The complaint and notice of investigation named Behr Systems, Inc. (“Behr”) of Auburn Hills, Michigan, Dürr AG (“Dürr”) of Stuttgart, Germany, Motoman, Inc. (“Motoman”) of West Carrollton, Ohio, and Yaskawa Electric Corporation (“Yaskawa”) of Kitakyushu, Fukuoka, Japan as respondents.

On May 26, 2005, the Commission issued a notice indicating that it had determined not to review an ID granting FANUC’s motion to amend the complaint and notice of investigation to, in part, add Dürr Systems, Inc. of Plymouth, Michigan, Dürr Systems GmbH of Bietigheim-Bissingen, Germany, and Dürr Special Material Handling GmbH of Grenzach-Wyhlen, Germany (collectively “Dürr Systems”) as additional respondents. 70 *Fed. Reg.* 30480 (May 26, 2005). No petitions to review the ID were filed.

On June 16, 2005, the Commission issued a notice indicating that it had determined not to review an ID granting FANUC’s motion to terminate the investigation as to claims 1-5, 7-9 and 15-17 of the ‘913 patent with respect to respondents Motoman and Yaskawa, claims 1, 2, 4, 7-9, 15, and 17 with respect to respondents Behr and Dürr, and claims 1-9 and 15-17 with respect to respondents Dürr Systems. No petitions to review the ID were filed.

On August 19, 2005, FANUC moved for a summary determination regarding the economic prong of the domestic industry requirement. No party opposed the motion. On August 23, 2005, the ALJ issued an ID (Order No. 15) granting FANUC’s motion. No petitions to review the ID were filed. The Commission has determined not to review this ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, and Commission Rule 210.42, 19 C.F.R. § 210.42.

By order of the Commission.

/s/

Marilyn R. Abbott
Secretary to the Commission

Issued: September 12, 2005