

**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 MOTION FOR TERMINATION OF THE  
INVESTIGATION AS TO METRIC SALES & ENGINEERING  
BASED ON ENTRY OF CONSENT ORDER; ISSUANCE OF CONSENT ORDER**

**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. 44) granting a motion of respondent Metric Sales & Engineering, Inc. ("Metric Sales") for termination of the investigation based on entry of a consent order. The Commission has issued the consent order.

**FOR FURTHER INFORMATION CONTACT:** Erin D.E. Joffre, 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 International, Inc. and Remy Technologies, L.L.C. (collectively, "Remy"). 76 *Fed. Reg.* 3158. The complaint alleges 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 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 Metric Sales & Engineering, Inc. ("Metric Sales"). 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 Associates, Inc. d/b/a WAI Global 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 October 26, 2011, respondent Metric Sales filed a motion for termination of the investigation based upon a consent order, which Remy did not oppose. On November 7, 2011, the Commission Investigative Attorney filed a response in support of the motion.

On November 10, 2011, the ALJ issued the subject ID (Order No. 44), granting the motion for termination of the investigation as to Metric Sales based upon the consent order. 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.

  
James R. Holbein  
Secretary to the Commission

Issued: December 2, 2011

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

**In the Matter of**

**CERTAIN STARTER MOTORS AND  
ALTERNATORS**

**Investigation No. 337-TA-755**

**CONSENT ORDER**

The United States International Trade Commission ("the Commission") instituted the above-captioned Investigation under Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based on the allegations made by Complainants Remy International, Inc. and Remy Technologies LLC (collectively "Remy" or "Complainants") in its Amended Complaint filed on January 3, 2011, and its Second Amended Complaint filed on May 16, 2011, alleging the unlawful importation into the United States and/or sale after importation into the United States of certain starter motors and alternators by Respondents Metric Sales & Engineering, Inc. ("Metric Sales" or "Respondent"), Wetherill Associates, Inc. d/b/a WAI Global, Linhai Yongci, Metric Sales & Engineering, Wan Li Industrial Development, Inc., Yongkang Boyu Auto Motor Company, Wuxi Susan Auto Parts Company, American Automotive Parts, Inc., Motorcar Parts of America, Inc., Yun Sheng USA Inc., and Electric Motor Services that infringe United States Patent No. 5,105,114 ("the '114 Patent"), United States Patent No. 5,252,878 ("the '878 Patent"), United States Patent No. 5,268,605 ("the '605 Patent"), United States Patent No. 5,295,404 ("the '404 Patent"), United States Patent No. 5,307,700 ("the '700 Patent"), United States Patent No. 5,315,195 ("the '195 Patent"), or United States Patent No. 5,453,648 ("the '648 Patent").

On June 30, 2011, the Commission issued a Notice Not to Review an Initial Determination Granting Complainants' Unopposed Motion to Terminate the Investigation as to U.S. Patent No. 5,105,114 (due to patent expiration). Therefore, only the '878 Patent, the '605 Patent, the '404 Patent, the '700 Patent, the '195 Patent, and the '648 Patent (collectively, the "Patents-in-Suit") remain at issue in this Investigation.

Respondent Metric Sales has executed a Consent Order Stipulation in which it agrees to the entry of this Consent Order and to all waivers and other provisions as required by the Commission's Rules of Practice and Procedure, and Metric Sales has filed a Joint Motion for Termination of this Investigation based upon the Consent Order Stipulation. In particular, Metric Sales has stipulated as follows:

1. The Commission has *in rem* jurisdiction over certain starter motors and alternators that are the basis of this Investigation.
2. The Commission has personal jurisdiction over the Respondent for purposes of this Consent Order.
3. The Commission has subject matter jurisdiction over this Investigation.
4. Effective immediately upon entry of the Consent Order, Respondent, its officers, directors, employees, agents, and any individual or entity acting on its behalf and with its authority, will not sell for importation, import into the United States, or sell in the United States after importation certain starter motors or alternators that infringe one or more of claims 1-5 of the '605 Patent, claims 1-4 of the '404 Patent, claims 1-6 of the '700 Patent, claims 1-12 of the '648 Patent, claims 1-6 of the '195 Patent, and claims 1-3 of the '878 Patent.
5. Respondent expressly waives all rights to seek judicial review or otherwise challenge or contest the validity of the Consent Order.

6. Respondent will cooperate with, and will not seek to impede by litigation or other means, the Commission's efforts to gather information under subpart I of the Commission's Rules of Practice and Procedure, 19 C.F.R. Part 210, incorporating by reference the Commission's Rules of Practice and Procedure.

7. Enforcement, modification, or revocation of the Consent Order will be carried out pursuant to subpart I of the Commission's Rules of Practice and Procedure, 19 C.F.R. Part 210, incorporating by reference the Commission's Rules of Practice and Procedure.

8. The Consent Order shall not apply with respect to any claim of any intellectual property right that has expired or been found or adjudicated invalid or unenforceable by the Commission or a court or agency of competent jurisdiction, provided that such finding or judgment has become final and nonreviewable.

9. Respondent will not seek to challenge the validity or enforceability of the '195 Patent, the '404 Patent, the '605 Patent, the '648 Patent, the '700 Patent or the '878 Patent in any administrative or judicial proceeding to enforce the Consent Order.

10. The signing of this Consent Order Stipulation is for settlement purposes only and does not constitute an admission by Respondent that an unfair act has been committed.

11. There are no other agreements, written or oral, express or implied, between Respondent and Complainants concerning the subject matter of this Investigation.


NOW, THEREFORE, the Commission issues the following Consent Order:

1. Upon entry of this Consent Order, Respondent, its officers, directors, employees, agents, and any individual or entity acting on its behalf and with its authority, shall not sell for importation, import into the United States, or sell in the United States after importation certain starter motors or alternators that infringe one or more of claims 1-5 of the '605 Patent, claims 1-4

of the '404 Patent, claims 1-6 of the '700 Patent, claims 1-12 of the '648 Patent, claims 1-6 of the '195 Patent or Claims 1-3 of the '878 Patent.

2. Respondent shall be precluded from seeking judicial review or otherwise challenging or contesting the validity of the Consent Order.
3. Respondent shall cooperate with and will not seek to impede by litigation or other means the Commission's efforts to gather information under subpart I of the Commission's Rules of Practice and Procedure, 19 C.F.R. Part 210, incorporating by reference the Commission's Rules of Practice and Procedure.
4. Respondent shall not seek to challenge the validity or enforceability of the Consent Order Patents in any administrative or judicial proceeding to enforce the Consent Order.
5. This Consent Order shall not apply with respect to any claim of any intellectual property right that has expired or been found or adjudicated invalid or unenforceable by the Commission or a court or agency of competent jurisdiction, provided that such finding or judgment has become final and nonreviewable.
6. There are no agreements, written or oral, express or implied, between Respondent and Complainants concerning the subject matter of this Investigation.
7. The entry of this Consent Order is for settlement purposes only and does not constitute an admission by Respondent that an unfair act has been committed.
8. This Investigation is hereby terminated as to Respondent Metric Sales with respect to the Consent Order Patents; provided, however, that enforcement, modification, or revocation of the Consent Order shall be carried out pursuant to subpart I of the Commission's Rules of Practice and Procedure, 19 C.F.R. Part 210, incorporating by reference the Commission's Rules of Practice and Procedure.

By order of the Commission.



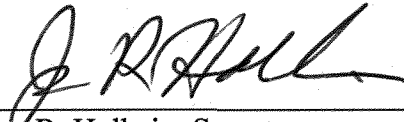
James R. Holbein  
Secretary to the Commission

Issued: December 2, 2011

**CERTAIN POLYIMIDE FILMS, PRODUCTS CONTAINING 337-TA-755  
SAME, AND RELATED METHODS**

**CERTIFICATE OF SERVICE**

I, James R. Holbein, hereby certify that the attached **NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL DETERMINATION GRANTING MOTION FOR TERMINATION OF THE INVESTIGATION AS TO METRIC SALES & ENGINEERING BASED ON ENTRY OF CONSENT ORDER; ISSUANCE OF CONSENT ORDER** has been served by hand upon Commission Investigative Attorney Maresa A. Frederick, Esq. and the following parties as indicated, on **December 2, 2011**.



James R. Holbein, Secretary  
U.S. International Trade Commission  
500 E Street, SW  
Washington, DC 20436

**On Behalf of Complainant Remy International, Inc. and  
Remy Technologies, L.L.C.:**

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- Via Hand Delivery
- Via Overnight Mail
- Via First Class Mail
- Other: \_\_\_\_\_

**On Behalf of Respondents Motorcar Parts of  
America, Inc.:**

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- Via Overnight Mail
- Via First Class Mail
- Other: \_\_\_\_\_

**On Behalf of Respondents Metric Sales & Engineering  
and Wetherill Associates, Inc.:**

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- Via Hand Delivery
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- Other: \_\_\_\_\_



**Respondents:**

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