

THOUGHT LEADERSHIP

NEWS RELEASES

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Section 337

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Husch Blackwell Guides ADC Solutions Auto to Victory at the U.S. International Trade Commission

Husch Blackwell earned a major victory this week at the U.S. International Trade Commission, when the panel affirmed a decision of the presiding administrative law judge (ALJ), which found that the firm's client ADC Solutions Auto, LLC (d/b/a Type S) did not violate Section 337 of the Tariff Act in relation to imported portable battery jump starters. This result continues Husch Blackwell's string of successful ITC representations.

The ITC instituted the investigation in April 2023 after a complaint was filed by The NOCO Company against multiple respondents. The case went to trial in February-March 2024. NOCO alleged that Type S and other companies in the industry were importing and/or selling portable battery jump starters that infringed U.S. patents owned by NOCO.

The ALJ's decision, issued July 5, 2024, was favorable to Type S, finding no violation of Section 337 on various grounds. After additional briefing by the parties, the Commission chose to review certain aspects of the ALJ's decision. On October 7, 2024, the Commission issued an 87-page opinion, affirming the lack of infringement and supplementing the findings that each of the asserted patents is invalid as obvious.

"This is a terrific outcome for our client Type S," said partner Beau Jackson, who leads Husch Blackwell's Section 337 ITC practice. "From the beginning of the case, it was clear that our client's products did not violate NOCO's intellectual property. We are pleased that the Commission ultimately reached the same conclusion."

In addition to partners Jackson and Jennifer Hoekel, who led the representation, the Husch Blackwell ITC team included attorneys Paul Smelcer and Samantha Sweet, as well as paralegals Lauren Hitchens and Anna Florian.