

Perkins Coie Secures Favorable Ruling Before US International Trade Commission for Client Shenzhen Carku

WASHINGTON, D.C., (May 11, 2022)—Perkins Coie is pleased to announce that it has secured a favorable ruling in a patent infringement investigation before the U.S. International Trade Commission (ITC) for client Shenzhen Carku Technology Co., Ltd., a global leader in developing and manufacturing lithium-ion vehicle jump starter devices. The ITC investigation is Case No. 337-TA-1256, captioned "In the Matter of Certain Portable Battery Jump Starters and Components Thereof" and is presided by Administrative Law Judge David P. Shaw.

The ITC investigation was initiated by the NOCO Company, Inc., of Glenwillow, Ohio, in January 2021. Judge Shaw's April 29, 2022, ruling found that Carku and its customers had not violated Section 337 of the Tariff Act because its manufactured products did not infringe a remaining patent asserted by NOCO. In addition, Judge Shaw found that NOCO failed to establish the technical prong of the domestic industry requirement under Section 337, resulting in a ruling of no violation for multiple other respondents, including defaulting respondents and other respondents found to infringe the remaining patent.

The Perkins Coie trial team included partners Kevin Patariu, John Schnurer, John Esterhay, and Bing Ai, as well as senior counsel Evan Day and associates Ruben Tyler Kendrick and Wei Yuan. In addition to Carku, Perkins Coie also represented 10 customers of Carku.

"We are pleased to have prevailed in this notable case before the ITC for our client Carku and its customers. Both the ruling in the initial determination that Carku and its customers have not violated Section 337 and the evidence in the investigation demonstrate that Carku respects intellectual property rights and is a true pioneer in making innovative technology in the portable jump starter market," said Kevin Patariu, Carku's lead trial counsel and a partner in Perkins Coie's San Diego office. "Carku looks forward to the continued development and sales of innovative products in cooperation with its customers in the United States. We are confident Judge Shaw's initial determination will be affirmed by the ITC if NOCO attempts to have it overturned."

NOCO had initially sued 110 companies but dropped its allegations against 65 companies before the start of the ITC investigation. NOCO has pleaded the ITC for a general exclusion order that would bar importation of jump starters from named or unnamed importers.

For more information, please see the ITC's notice of institution of investigation [here](#).

Before this ITC investigation, Carku challenged one of the two patents asserted by NOCO in an *inter partes* review (IPR) trial before the Patent Trial and Appeal Board (PTAB) and obtained a favorable final written decision against the challenged NOCO patent. Subsequently, NOCO dropped the patent subject to the IPR from the ITC investigation, ending infringement allegations against several Carku-manufactured products. The remaining actions in this ITC investigation are motions and processes for parties' petitions for review of Judge Shaw's ruling before the ITC Commission. The ITC will issue its final determination no later than August 29, 2022.

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