

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

**Before the Honorable Cameron R. Elliot
Administrative Law Judge**

In the Matter of

**CERTAIN MARINE AIR
CONDITIONING SYSTEMS,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING THE
SAME**

Inv. No. 337-TA-1346

GROUND RULE 5.3 JOINT FINAL CASE-NARROWING DISCLOSURE

Pursuant to Ground Rule 5.3 and the Procedural Schedule (Order No. 6), Complainants Dometic Corporation and Dometic Sweden AB (“Complainants”), and Respondents Citimarine, L.L.C., Mabru Power Systems, Inc., Shanghai Hopewell Industrial Co. Ltd., and Shanghai Hehe Industrial Co. Ltd. (collectively, “Respondents”) hereby jointly submit this Final Case-Narrowing Disclosure.^{1 2}

¹ Complainants submit that Respondents’ statement below contravenes the requirements set forth in G.R. 5.3 because it 1) does not identify the alleged prior art “presently asserted involved in contentions of invalidity”; and 2) lists alleged art that was not included in any invalidity grounds set forth in Respondents’ final contentions, Dr. Tanbour’s report, or Respondents Motion for Summary Determination. Instead, Respondents’ statement is replete with text such as “[alleged art] as shown in various documents, including but not limited to...” or nondescript references to alleged product lines. Such statements do not identify with any requisite particularity the art or combinations thereof that Respondents will assert at the Hearing or that are “presently asserted involved in contentions of validity,” which is the purpose of the present case-narrowing disclosure. *See* G.R. 5.3. Indeed, it is unclear based on Respondents’ characterizations of the alleged art whether their number of references actually exceed the maximum scope of the investigation (which the Ground Rules prohibit). Complainants reserve all rights, including raising this non-compliance at the pre-hearing conference.

² Complainants, as set forth in Footnote 1, contend that Respondents’ Final Case-Narrowing Disclosure fails to comply with Ground Rule 5.3. Respondents disagree. Respondents’ Final Case-Narrowing Disclosure, which has been narrowed since Respondents’ Initial Case-Narrowing

Complainants' Final Case-Narrowing Disclosure Statement

Complainants state that the maximum number of claims to be asserted for infringement is eleven (11)³, as set forth in the table below:

<u>Asserted Patent</u>	<u>Claims</u>
U.S. Patent No. 8,056,351	1, 2, 3, 4, 5, 7, 18, 19, 20, 21, and 22

Complainants state that the maximum number of claims to be asserted in support of the technical prong of the domestic-industry requirement is eleven (11)⁴, as set forth in the table below:

<u>Asserted Patent</u>	<u>Claims</u>
U.S. Patent No. 8,056,351	1, 2, 3, 4, 5, 7, 18, 19, 20, 21, and 22

Complainants further state that, after additional analysis of the accused products—and in an effort to streamline the issues in this case—Complainants intend to limit their infringement allegations to Respondents' self-contained marine air conditioning products.

Disclosure, identifies the art on which Respondents are presently relying, as set forth in Respondents' contentions and Dr. Tanbour's expert report. Respondents' Final Case-Narrowing Disclosure complies with the Ground Rules, is consistent with Respondents' final contentions, and identifies only the specific references on which Respondents will rely. Additionally, Complainants argue that Respondents' disclosure fails to identify the specific combinations appears to misread Ground Rule 5.3, which imposes no such requirement. Should Complainants raise this issue at the pre-hearing conference, Respondents will be prepared to demonstrate that all of the references on which they are relying are identified in this disclosure, and that there are far fewer than 25 total references as set forth in Respondents' Ground Rule 5.3 Maximum Scope of the Investigation Disclosure, filed on April 14, 2023. That Respondents rely on multiple pieces of evidence, including physical samples, documentary, or testimonial evidence, to demonstrate the technical features of the various prior art references does not multiply or add to the overall number of references.

³ Complainants have filed a Petition for Review of the Initial Determination finding Claims 1, 2, 4, 5, and 7 invalid based on anticipation.

⁴ See n.3.

Respondents' Final Case-Narrowing Disclosure Statement

Respondents hereby identify the prior art references presently asserted in Respondents' invalidity contentions:⁵

- Dometic's Marine Air Vector Compact VCP12K physical sample, including components thereof, such as the drain pan, (as shown in various documents, including but not limited to, CITIMARINE000121-126);
- Dometic's Marine Air Vector Compact products (as shown and described in various printed publications, including but not limited to, DOMETIC000002189 and MABRU000013);
- Dometic's Marine Air Vector Rotary products (as shown and described in various printed publications, including but not limited to, DOMETIC00003359 and DOMETIC00003361);
- Dometic's Marine Air Vector Hermetic products (as shown and described in various printed publications, including but not limited to, DOMETIC00003323 and DOMETIC00003361);
- Dometic's Vector Series product literature, including but not limited to, DOMETIC00003361, and associated Vector products disclosed and described therein, including but not limited to, the Vector Rotary and Vector Hermetic products;
- Lunaire Series products (as shown and described in various printed publications, including but not limited to, CITIMARINE000060-66);
- Dometic's Vector Turbo Series products (as shown and described in various printed publications, including but not limited to DOMETIC00001325-26); and
- U.S. Patent No. 5,848,536 ("Dodge").

⁵ As explained in the Initial Ground Rule 5.3 Case-Narrowing Disclosure, filed on May 17, 2023, the majority of Respondents' prior art references are products previously sold by Complainants under a number of different product/brand names, often times as part of a broader product series. For example, Respondents rely on the Marine Air Vector Compact, which was sold as part of Dometic's broader Marine Air Vector Series. Respondents have, therefore, identified the Dometic product lines and specific units where available, with reference to certain key documents identifying those products, which would be known to those in the art familiar with the various products. The prior art references, therefore, are the prior art products and all documents associated with those products, which would be known to those familiar with the relevant products. Respondents specifically reserve the right to rely on all documents from the parties' productions that describe or otherwise disclose the features of the identified prior art products.

Dated: August 9, 2023

/s/ Beau Jackson

Beau Jackson
Bernardo Zito Porto
HUSCH BLACKWELL LLP
4801 Main Street, Suite 1000
Kansas City, MO 64112
Telephone: 816.983.8202
DometicITC@huschblackwell.com

Matthew M. Kamps

HUSCH BLACKWELL LLP
120 S. Riverside Plaza, Suite 2200
Chicago, IL 60606
Telephone: 312.526.1644
DometicITC@huschblackwell.com

Stephen R. Howe

Avery Hitchcock
HUSCH BLACKWELL LLP
511 N. Broadway, Suite 1100
Milwaukee, WI 53202
Telephone: 414.978.5529
DometicITC@huschblackwell.com

Kara R. Fussner

HUSCH BLACKWELL LLP
8001 Forsyth Boulevard
Suite 1500
St. Louis, Missouri 63105
Telephone: 314.480.1505
DometicITC@huschblackwell.com

Andrea L. Shoffstall

HUSCH BLACKWELL LLP
1801 Wewatta Street, Suite 1000
Denver, CO 80202
Telephone: 303.749.7203
DometicITC@huschblackwell.com

*Counsel for Complainants
Dometic Corporation and
Dometic Sweden AB*

Respectfully submitted,

/s/ Thomas R. Burns, Jr.

Paul M. Bartkowski
Thomas R. Burns, Jr.
Emi Ito Ortiz
BARTKOWSKI PLLC
6803 Whittier Ave., Suite 200A
McLean, VA 22101
Telephone: (571) 533-3581
E-Mail: Citimarine-337@bartkowskipllc.com
E-Mail: Mabru-1346@bartkowskipllc.com

*Counsel for Citimarine, L.L.C. and Mabru
Power Systems, Inc.*

/s/ Mark D. Bowen

Mark D. Bowen
Dale P. DiMaggio
Malin Haley DiMaggio & Bowen, PA
4901 NW 17th Way, Suite 308
Fort Lauderdale, FL 33309
Telephone: (954) 763-3303
E-Mail: mdb@mhdpatents.com
E-Mail: dpd@mhdpatents.com

Counsel for Mabru Power Systems, Inc.

/s/ Jason Xu

Jason Xu
RIMON, P.C.
1990 K Street NW, Suite 420
Washington, D.C. 20006
Telephone/Facsimile: (202) 470-2141
E-Mail: Hopewell337-1346@rimonlaw.com

Zhun Lu

RIMON, P.C.
200 Continental Drive, Suite 401
Newark, DE 19713
Telephone/Facsimile: (302) 688-7566
E-Mail: Hopewell337-1346@rimonlaw.com

*Counsel for Respondents Shanghai Hopewell
Industrial Co., Ltd. and Shanghai Hehe
Industrial Co., Ltd.*

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Ground Rule 5.3 Joint Final Case-Narrowing Disclosure* was served to the parties, in the manner indicated below, this the 9th day of August 2023.

Katherine M. Hiner
Acting Secretary to the Commission
U.S. International Trade Commission
500 E Street, SW, Suite 112
Washington, DC 20436

VIA ELECTRONIC FILING
[EDIS]

The Honorable Cameron R. Elliot
Administrative Law Judge
U.S. International Trade Commission
500 E Street, SW
Washington, DC 20436

VIA ELECTRONIC MAIL
jason.heidemann@usitc.gov

Jason Heidemann
Attorney Advisor

RESPONDENTS

Jason Xu
Zhun Lu
Rimon PC
1990 K Street NW, Suite 420
Washington, D.C. 20006
Telephone/Facsimile: (202) 470-2141

VIA ELECTRONIC MAIL
Hopewell337-1346@rimonlaw.com

Counsel for Respondents
Shanghai Hopewell Industrial Co. Ltd. and
Shanghai Hehe Industrial Co. Ltd.

Paul M. Bartkowski
Thomas R. Burns
Bartkowski PLLC
6803 Whittier Ave., Suite 200A
McLean, VA 22101
Telephone: (571) 533-3581

VIA ELECTRONIC MAIL
Citimarine-337@bartkowskipllc.com

Counsel for Respondent
Citimarine, L.L.C.

Mark Bowen
Dale DiMaggio

VIA ELECTRONIC MAIL
mdb@mhdpatents.com
dpd@mhdpatents.com

Malin Haley DiMaggio & Bowen, P.A.
4901 NW 17th Way, Suite 308
Ft. Lauderdale, FL 33309
Telephone: (954) 763-3303

info@mhdpatents.com

Paul M. Bartkowski
Thomas R. Burns
Bartkowski PLLC
6803 Whittier Ave., Suite 200A
McLean, VA 22101
Telephone: (571) 533-3581

Mabru-1346@bartkowskipllc.com

*Counsel for Respondent Mabru Power
Systems, Inc.*

/s/ A. Lauren Hitchens, Senior Paralegal
HUSCH BLACKWELL LLP