

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN TIRES AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-894

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION GRANTING COMPLAINANTS' CORRECTED MOTION
TO TERMINATE THE INVESTIGATION AS TO RESPONDENT WHEEL
WAREHOUSE, INC. BASED ON A CONSENT ORDER STIPULATION AND
PROPOSED 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 an initial determination ("ID") (Order No. 14) of the presiding administrative law judge ("ALJ") granting complainants' corrected motion to terminate the investigation as to respondent Wheel Warehouse, Inc. based on a consent order stipulation and proposed consent order.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3115. 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 under section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, on September 20, 2013, based on a complaint filed by Toyo Tire & Rubber Co., Ltd. of Japan; Toyo Tire Holdings of Americas Inc. of Cypress, California; Toyo Tire U.S.A. Corp. of Cypress, California; Nitto Tire U.S.A. Inc. of Cypress, California; and Toyo Tire North America Manufacturing Inc. of White, Georgia (collectively, "Toyo"). The complaint, as supplemented, alleges a violation of section 337 by reason of infringement of certain claims of U.S. Design Patent Nos. D487,424; D610,975; D610,976; D610,977; D615,031; D626,913; D458,214; and D653,200. 78 Fed. Reg. 57882

(Sept. 20, 2013). The respondents are Hong Kong Tri-Ace Tire Co., Ltd. of Guangzhou, China; Weifang Shunfuchang Rubber & Plastic Co., Ltd. of Shouguang City, China; Doublestar Dong Feng Tyre Co., Ltd. of Shiyan, China; Shandong Yongtai Chemical Group Co., Ltd. of Dawang Town, Shangrao, China; MHT Luxury Alloys of Rancho Dominguez, California; Wheel Warehouse, Inc., of Anaheim, California; Shandong Linglong Tyre Co., Ltd. of Zhaoyuan City, China; Dunlap & Kyle Company, Inc., d/b/a Gateway Tire and Service of Batesville, Mississippi; Unicorn Tire Corp. of Memphis, Tennessee; West KY Customs, LLC of Benton, Kentucky; Svizz-One Corporation Ltd. of Bangpla, Thailand; South China Tire and Rubber Co., Ltd. of Guangzhou City, China; American Omni Trading Co., LLC of Houston, Texas; Tire & Wheel Master, Inc. of Stockton, California; Simple Tire of Cookeville, Tennessee; WTD Inc. of Cerritos, California; Guangzhou South China Tire & Rubber Co., Ltd. of Aotou, China; Turbo Wholesale Tires, Inc. of Irwindale, California; TireCrawler.com of Downey, California; Lexani Tires Worldwide, Inc. of Irwindale, California; Vittore Wheel & Tire of Asheboro, North Carolina; and RTM Wheel & Tire of Asheboro, North Carolina. *Id.* Subsequently, the investigation as to respondent Tirecrawler.com was terminated based on a settlement agreement, and the complaint and notice of investigation were amended to add Shandong Hengyu Science & Technology Co., Ltd. as respondent.

On November 13, 2013, complainants Toyo filed a corrected motion to terminate the investigation as to respondent Wheel Warehouse, Inc., a business name of SoCal Wheels, Inc. (“SoCal Wheels”), based on a consent order stipulation. On December 3, 2013, the ALJ issued the subject ID. The ALJ found that the Consent Order Stipulation submitted by the parties complies with the requirements of Commission Rule 210.21(c)(3). The ALJ also found that termination of this investigation as to respondent SoCal Wheels does not impose any undue burdens on the public health and welfare, competitive conditions in the United States economy, production of like or directly competitive articles in the United States, or United States consumers, and granted the motion. No party petitioned for review of the ID, and the Commission has determined not to review it.

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 sections 210.42-.46 of the Commission’s Rules of Practice and Procedure (19 C.F.R. §§ 210.42-.46).

By order of the Commission.



William R. Bishop
Supervisory Hearings and Information Officer

Issued: December 27, 2013