

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

CERTAIN LIGHTERS

Investigation No. 337-TA-575

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION FINDING FIVE RESPONDENTS IN DEFAULT**

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. 8) finding five respondents in default for failure to respond to the complaint and notice of investigation the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Monica A. Stump, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3106. Copies of the ALJ's ID and all other 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: On June 20, 2006, the Commission instituted this investigation, based on a complaint filed by Zippo Manufacturing Company, Inc., of Bradford, Pennsylvania, and ZippMark, Inc. of Wilmington, Delaware. 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 personal lighters by reason of infringement of United States Trademark Registration No. 2,606,241 ("the Zippo trademark"). 71 *Fed. Reg.* 35450 (2006). The complaint further alleged that an industry in the United States exists as required by subsection (a)(2) of section 337. The complainants requested that the Commission issue a general exclusion order and cease and desist orders.

The complaint named seven respondents: beWild.com (beWild) of Bellmore, New York; Kalan LP (Kalan) of Landsdowne, Pennsylvania, Taizhou Rongshi Lighter Development Co., Ltd. a/k/a Rongshi Enterprise (Rongshi) of China; Tung Fong International Promotion Co., Lt. (Tung Fong) of China; Vista Wholesale (Vista) of Greencastle, Indiana; Wenzhou Tailier Smoking Set Manufacturing Co., Ltd. (Wenzhou Tailier) of China; and Wenzhou Star Smoking Set Co., Ltd. (Wenzhou Star) of China. Respondent Kalan has been terminated from the investigation on the basis of a settlement agreement. Wenzhou Star is the only respondent remaining in the investigation. The Commission instituted this investigation on June 20, 2006, based on a complaint filed by Zippo Manufacturing Company, Inc., of Bradford, Pennsylvania, and ZippMark, Inc. of Wilmington, Delaware, alleging 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 personal lighters by reason of infringement of United States Trademark Registration No. 2,606,241. 71 *Fed. Reg.* 35450 (2006).

On July 17, 2006, July 18, 2006, and July 21, 2006, complainants filed motions for orders to be directed to respondents beWild, Rongshi, Tung Fong, Vista and Wenzhou Tailier to show cause why they should not be found in default for failure to respond to the complaint and notice of investigation. Complainants' motions also requested issuance of an ID finding these five respondents in default upon failure to show cause. Complainants also requested an immediate entry of a limited exclusion order, cease and desist order, and/or other appropriate relief upon finding the above named respondents in default. The Commission investigative attorney supported the motions, but took no position with respect to complainants' request for relief. No party opposed the motions.

On August 16, 2006, Judge Bullock issued Order No. 6, ordering beWild, Rongshi, Tung Fong, Vista, and Wenzhou Tailier to show cause why each should not be held in default no later than September 1, 2006. None of those five respondents filed a response to the order, an answer to the complaint, or a notice of appearance within the time permitted. On September 15, 2006, the ALJ issued the subject ID finding beWild, Rongshi, Tung Fong, Vista, and Wenzhou Tailier in default. No party petitioned for review of the ID.

The Commission will take up the issue of immediate relief after the finding of default becomes its final determination, and complainants have filed their declarations. See Commission rule 210.16(c).

Having examined the record of this investigation, the Commission has determined not to review the ALJ's ID finding beWild, Rongshi, Tung Fong, Vista, Wenzhou Tailier in default.

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(h) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42(h)).

By order of the Commission.

/s/

Marilyn R. Abbott
Secretary to the Commission

Issued: October 2, 2006