

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN PASSENGER VEHICLE
AUTOMOTIVE WHEELS**

Investigation No. 337-TA-1006

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO TWO
RESPONDENTS BASED ON A CONSENT ORDER STIPULATION, PROPOSED
CONSENT ORDER, AND SETTLEMENT AGREEMENT; ISSUANCE OF 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. 16) of the presiding administrative law judge (“ALJ”), terminating the above-captioned investigation as to respondents American Tire Distributors, Inc. and American Tire Distributors Holdings, Inc. (collectively, “American Tire”), both of Huntersville, North Carolina based on a consent order stipulation, proposed consent order, and settlement agreement. The Commission has issued the consent order.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, D.C. 20436, telephone (202) 708-2310. 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 <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://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 on June 17, 2016, based on a complaint filed on behalf of Daimler AG of Stuttgart, Germany. 81 FR 39711-12. The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by reason of infringement of numerous U.S. design patents and U.S. registered trademarks. The complaint further alleges that a domestic industry exists. The Commission's notice of investigation named several respondents including American Tire. The Office of Unfair

Import Investigations (“OUII”) is also a party to the investigation. *Id.*

On October 25, 2016, the complainant and American Tire jointly moved to terminate the investigation as to American Tire based on a consent order stipulation, proposed consent order, and settlement agreement under Commission Rules 210.21(b)(1), (c). The parties state that there are no other agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation. OUII filed a response supporting the motion and no other responses were received.

The ALJ issued the subject ID on November 15, 2016, granting the joint motion for termination as to American Tire. He found that the joint motion for termination by consent order stipulation and proposed consent order satisfied Commission Rule 210.21(c) (19 CFR 210.21(c)). The ALJ also found that the joint motion satisfied the requirements of Commission Rule 210.21(b) (19 CFR 210.21(b)), which governs motions to terminate an investigation on the basis of a licensing or other settlement agreement. He further found, pursuant to Commission rule 210.50(b)(2) (19 CFR 210.50(b)(2)), that termination of this investigation as to American Tire by consent order is in the public interest. No party petitioned for review of the ID.

The Commission has determined not to review the ID and has issued the consent order.

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 part 210 of the Commission’s Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton", written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: December 5, 2016