

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN INDUSTRIAL AUTOMATION
SYSTEMS AND COMPONENTS
THEREOF INCLUDING CONTROL
SYSTEMS, CONTROLLERS,
VISUALIZATION HARDWARE,
MOTION AND MOTOR CONTROL
SYSTEMS, NETWORKING
EQUIPMENT, SAFETY DEVICES, AND
POWER SUPPLIES**

Investigation No. 337-TA-1074

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO RESPONDENT
RADWELL INTERNATIONAL INC. BASED ON A CONSENT ORDER;
ISSUANCE OF A 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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 42) granting a motion of respondent Radwell International, Inc. dba PLC Center of Willingboro, New Jersey ("Radwell") to terminate the above-captioned investigation based on a consent order. The Commission has entered the consent order.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2301. 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 October 16, 2017, based on a complaint filed by Rockwell Automation, Inc. of Milwaukee, Wisconsin ("Rockwell"). 82 *Fed. Reg.* 48113-15 (Oct. 16, 2017). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337) ("section 337"), in the importation into the United States, the sale for importation, and the sale within the

United States after importation of certain industrial automation systems and components thereof including control systems, controllers, visualization hardware, motion and motor control systems, networking equipment, safety devices, and power supplies by reason of infringement of U.S. Trademark Reg. No. 1,172,995; U.S. Trademark Reg. No. 696,401; U.S. Trademark Reg. No. 693,780; U.S. Trademark Reg. No. 1,172,994; U.S. Trademark Reg. No. 712,800; U.S. Trademark Reg. No. 712,836; U.S. Trademark Reg. No. 2,510,226; U.S. Trademark Reg. No. 2,671,196; U.S. Trademark Reg. No. 2,701,786; U.S. Trademark Reg. No. 2,412,742; U.S. Copyright Reg. No. TX0008389890; U.S. Copyright Reg. No. TX0008389887; U.S. Copyright Reg. No. TX0008390098; U.S. Copyright Reg. No. TX0008390094; U.S. Copyright Reg. No. TX0008390077; U.S. Copyright Reg. No. TX0008390088; U.S. Copyright Reg. No. TX0008390116; U.S. Copyright Reg. No. TX0008390084; U.S. Copyright Reg. No. TX0008390111; and U.S. Copyright Reg. No. TX0008390091. *Id.* The notice of investigation named numerous respondents, including Radwell. The Office of Unfair Import Investigations (“OUII”) is a party to the investigation. The Commission previously found other respondents in default. Order No. 16 (Feb. 1, 2018) (unreviewed, Notice (Feb. 26, 2018)); Order No. 32 (June 24, 2018) (unreviewed, Notice (July 24, 2018)). The ALJ issued Order No. 41, terminating the investigation as to certain unserved respondents. Order No. 41 (July 17, 2018).

On July 12, 2018, Radwell filed a motion pursuant to Commission rule 210.21(a)(2) (19 CFR 210.21(a)(2)) to terminate the investigation as to itself based on a consent order, including a consent order stipulation and proposed consent order. On July 17, 2018, Radwell filed an amended stipulation and proposed consent order. Also on July 17, 2018, Rockwell filed an opposition to Radwell’s motion. On the same day, OUII filed a response supporting the termination as to Radwell except for noting minor issues with the language of the stipulation and proposed consent order. On July 18, 2018, Radwell filed a reply, including a second amended stipulation and proposed consent order.

On July 20, 2018, the ALJ issued the subject ID, granting Radwell’s motion pursuant to Commission Rule 210.21(c). The ID finds that the motion, as well as the second amended consent order stipulation and proposed consent order, satisfy the requirements of Commission Rules 210.21 (c)(3) and (c)(4) (19 CFR 210.21 (c)(3) and (c)(4)). The ID also finds that termination of the investigation as to Radwell would not be contrary to the public interest. The ALJ stayed the procedural schedule, noting that Radwell was the only respondent expected to participate in the evidentiary hearing.

No party petitioned for review of the ID.

The Commission has determined not to review the ID.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 USC 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', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: August 15, 2018