

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CARBURETORS AND PRODUCTS
CONTAINING SUCH CARBURETORS**

Investigation No. 337-TA-1123

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO RESPONDENT
NORTHERN TOOL & EQUIPMENT CO., INC. BASED ON A CONSENT ORDER
STIPULATION; 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. 29) granting the motion of respondent Northern Tool & Equipment Co., Inc. ("NTE") to terminate the above-captioned investigation based on a consent order stipulation. The Commission has entered a consent order.

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2737. 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 July 20, 2018, based on a complaint, as supplemented, filed on behalf of Walbro, LLC of Tucson, Arizona ("complainant"). 83 FR 34,614 (July 20, 2018). The complaint, as supplemented, alleges violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 ("section 337"), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain carburetors and products containing

such carburetors by reason of infringement of one or more of U.S. Patent No. 6,394,424; U.S. Patent No. 6,439,547; U.S. Patent No. 6,533,254; U.S. Patent No. 6,540,212; and U.S. Patent No. 7,070,173. The complaint further alleges that an industry in the United States exists as required by section 337. The Notice of Investigation named numerous respondents, including NTE of Burnsville, Minnesota. The Office of Unfair Import Investigations (“OUII”) was named as a party in this investigation.

On October 16, 2018, NTE filed a motion pursuant to Commission Rule 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. OUII filed a response supporting the motion and complainant opposed the motion.

On November 5, 2018, the ALJ issued the subject ID, granting NTE’s motion. The ID finds that the motion, consent order stipulation, and proposed consent order, satisfy the requirements of Commission Rules 210.21(c)(3) and (c)(4). The ID finds that termination of the investigation would not be contrary to the public interest. 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 U.S.C. § 1337), and in Part 210 of the Commission’s Rules of Practice and Procedure (19 C.F.R. Part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: November 28, 2018