

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MOTORIZED VEHICLES
AND COMPONENTS THEREOF**

Investigation No. 337-TA-1132

**NOTICE OF EXTENSION OF THE DATE FOR THE COMMISSION
DETERMINATION ON WHETHER TO REVIEW AN INITIAL DETERMINATION
FINDING THAT COMPLAINANT IS NOT CONTRACTUALLY BARRED FROM
ENFORCING ITS INTELLECTUAL PROPERTY AGAINST THE NAMED
RESPONDENTS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that, in view of the shutdown of the Federal Government, the U.S. International Trade Commission has determined to extend until February 28, 2019, the date by which it decides whether to review the initial determination (“ID”) (Order No. 18) of the presiding administrative law judge (“ALJ”) finding that complainant is not contractually barred from enforcing its intellectual property against the named respondents.

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, SW, 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 September 13, 2018, based on a complaint filed on behalf of FSA US LLC of Auburn Hills, Michigan. 83 FR 46517-18. 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 certain U.S. Trademark Registration Nos.: 2,161,779; 2,794,553; 2,862,487; 4,043,984; and 4,272,873. The complaint further alleges violations of section 337 based upon trade dress infringement, trademark dilution, and infringement of common law trademarks, the threat or effect of which is to destroy or substantially injure an industry in the United States. The Commission’s notice of investigation

named two respondents: Mahindra & Mahindra Ltd. of Mumbai, India and Mahindra Automotive North America, Inc. of Auburn Hills, Michigan. The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. The notice of investigation ordered the ALJ to issue an ID, within 100 days of institution, determining whether complainant is contractually barred from enforcing its intellectual property against the named respondents.

Following an evidentiary hearing and pre- and post-hearing briefing from the parties, the ALJ issued the subject ID on December 21, 2018. The ALJ found that complainant’s allegations in this investigation are not contractually barred.

The Commission has determined to extend the date for determining whether to review the subject ID to February 28, 2019, after accounting for tolling in view of the shutdown of the Federal Government in December 2018 and January 2019.

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: February 4, 2019