

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN POCKET LIGHTERS

Investigation No. 337-TA-1142

**NOTICE OF COMMISSION DECISION NOT TO REVIEW
AN INITIAL DETERMINATION FINDING RESPONDENT
MILAN IMPORT EXPORT COMPANY, LLC 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 an initial determination (“ID”) (Order No. 14) of the presiding administrative law judge (“ALJ”) finding respondent Milan Import Export Company, LLC (“Milan”) of San Diego, California in default.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-4716. 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: On February 12, 2019, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by BIC Corporation of Shelton, Connecticut (“Complainant”). *See* 84 Fed. Reg. 3486-87 (Feb. 12, 2019). The complaint, as supplemented, alleges a violation of 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 pocket lighters by reason of infringement of U.S. Trademark Registration Nos. 1,761,622 and 2,278,917. *See id.* The notice of investigation names numerous respondents including Milan. *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

The complaint and notice of investigation were served on Milan on February 7, 2019. On March 27, 2019, Complainant filed a motion (“Motion”) pursuant to Commission Rule 210.16 (19 CFR 210.16) for: (1) an order striking Milan’s untimely response to the complaint; (2) an

order directing respondent Milan to show cause why it should not be found in default for untimely responding to the complaint; and (3) an ID finding Milan in default upon its failure to show cause. On April 8, 2019, OUII filed a response supporting the Motion in part. The respondents who appeared in the investigation concurred with OUII.

On April 22, 2019, the ALJ issued Order No. 10 requiring Milan to show cause, no later than May 6, 2019, as to why it should not be held in default for failing to timely respond to the complaint and notice of investigation. On May 8, 2019, Milan filed a document seeking until May 31, 2019, to submit proof of payment of back taxes and restoration of corporate status in California. Milan failed to submit such proof and provided no response as to its failure to timely respond to the complaint and notice of investigation.

On June 6, 2019, the ALJ issued the subject ID (Order No. 14) finding Milan in default pursuant to Commission Rule 210.16 (19 CFR 210.16), for failure to timely respond to the complaint and to the order to show cause (*i.e.*, Order No. 10). *See* ID at 4-5.

No petition for review of the subject ID was filed. 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 CFR part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: July 8, 2019