

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN POCKET LIGHTERS

Investigation No. 337-TA-1142

NOTICE OF COMMISSION DECISION TO EXTEND THE TARGET DATE

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend the target date for completion of this investigation until June 22, 2020.

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 may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. 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 (“Complainant”) of Shelton, Connecticut. *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 complaint also alleges the existence of a domestic industry. The notice of investigation names six respondents: Arrow Lighter, Inc. d/b/a MK Lighter, Inc. and MK Lighter Company of City of Industry, California (“Arrow”); Benxi Fenghe Lighter Co., Ltd. of Benxi, China (“Benxi”); Excel Wholesale Distributors Inc. of College Point, New York (“Excel”); Milan Import Export Company, LLC (“Milan”) of San Diego, California; Wellpine Company Limited (“Wellpine”) of Hong Kong; and Zhuoye Lighter Manufacturing Co., Ltd. (“Zhuoye”) of Foshan City, China. *See id.* The Office of Unfair Import Investigations is also a party to the investigation. *See id.*

The Commission previously terminated respondents Arrow and Excel based on settlement and entry of a consent order. *See* Order No. 21 (Oct. 30, 2019), *unreviewed*, Comm’n Notice (Nov. 25, 2019). The Commission also terminated an unserved respondent, Benxi, based on the withdrawal of the complaint with respect to that respondent. *See* Order No. 23 (Dec. 18, 2019), *unreviewed*, Comm’n Notice (Jan. 16, 2020).

Furthermore, the Commission found each of Milan, Wellpine, and Zhuoye (collectively, “the Defaulting Respondents”) in default. *See* Order No. 13 (June 6, 2019), *unreviewed*, Comm’n Notice (July 8, 2019) (Wellpine); Order No. 14 (June 6, 2019), *unreviewed*, Comm’n Notice (July 8, 2019) (Milan); Order No. 15 (June 18, 2019), *aff’d with modification*, Comm’n Notice (July 10, 2019) (Zhuoye).

On November 14, 2019, Complainant filed a motion for summary determination of a violation of section 337 by the Defaulting Respondents. On December 16, 2019, the Commission Investigative Attorney filed a response in support of Complainant’s motion.

On February 12, 2020, the Administrative Law Judge (“ALJ”) issued an initial determination (“ID”) granting summary determination of a violation of section 337 by the Defaulting Respondents. The ALJ also recommends that the Commission: (1) issue a GEO against infringing articles; (2) issue a CDO against Milan; and (3) set a bond during the period of Presidential review at one hundred (100) percent of the entered value of infringing articles. No party filed a petition for review of the ID.

On April 22, 2020, the Commission determined to review the ID in part with respect to the ID’s findings on the economic prong of the domestic industry requirement. *See* 85 Fed. Reg. 23528-29 (Apr. 28, 2020).

The Commission has determined to extend the target date for completion of this investigation until June 22, 2020.

The Commission’s vote for this determination took place on June 10, 2020.

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: June 10, 2020