

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN PROTECTIVE CASES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-780

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION FINDING CERTAIN RESPONDENTS 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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 25) finding the following respondents in default: Hypercel Corporation d/b/a Naztech Technologies of Valencia, California ("Naztech"); ShenZhen Star & Way Trade Co., Ltd. d/b/a DHgate Sellers Best 8168 and Julyoung of Guangzhou City, China ("Star & Way"); SmileCase of Windsor Mill, Maryland ("SmileCase"); TheCaseInPoint.com of Titusville, Florida ("TheCaseInPoint"); and National Cellular of Brooklyn, New York ("National Cellular").

FOR FURTHER INFORMATION CONTACT: Panyin A. Hughes, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3042. 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 <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://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 June 30, 2011, based on a complaint filed by Otter Products, LLC of Fort Collins, Colorado ("Otter"). 76 *Fed. Reg.* 38417 (June 30, 2011). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain protective cases and components thereof by reason of infringement of various claims of United States Patent Nos. 7,933,122; D600,908; D617,784; D615,536; D617,785; D634,741; and D636,386; and United States Trademark Registration Nos. 3,788,534; 3,788,535; 3,623,789; and 3,795,187. The notice of

investigation named several respondents, including Naztech, Star & Way, SmileCase, TheCaseInPoint, and National Cellular. The complaint and notice of investigation were served on these parties on June 27, 2011.

On December 28, 2011, the ALJ issued a show-cause order (Order No. 22), ordering Naztech, Star & Way, SmileCase, and TheCaseInPoint to show by January 16, 2012, why they should not be found in default for failure to respond to the complaint and notice of investigation. Naztech, Star & Way, SmileCase, and TheCaseInPoint did not respond to the show-cause order.

On January 9, 2012, Respondent National Cellular filed a notice electing to default. On January 19, 2012, the Commission Investigative Attorney filed a response in support of the notice. None of the other parties responded to National Cellular's notice.

On February 9, 2012, the ALJ issued the subject ID, finding Naztech, Star & Way, SmileCase, and TheCaseInPoint in default under 19 C.F.R. § 210.16(a)(1) for failing to respond to the complaint and notice of investigation. The ALJ also found Naztech, Star & Way, SmileCase, and TheCaseInPoint in default under 19 C.F.R. § 210.17 for failing to: (1) respond to discovery requests; (2) respond to the show cause order; (3) comply with Order No. 2; or (4) otherwise participate in the investigation.

With respect to National Cellular, the ALJ found that it has waived its rights to participate in this investigation as set forth in section 210.16(b)(3) and found National Cellular in default under 19 C.F.R. §§ 210.16(a)(2) and (b)(2). None of the parties petitioned for review of the ID.

The Commission has determined not to review the ID. Accordingly, Naztech, Star & Way, SmileCase, TheCaseInPoint, and National Cellular have been found to be in default.

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 section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

/s/
James R. Holbein
Secretary to the Commission

Issued: March 2, 2012