

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN TIRES AND PRODUCTS
CONTAINING SAME**

Inv. No. 337-TA-894

NOTICE OF INSTITUTION OF INVESTIGATION

Institution of investigation pursuant to 19 U.S.C. § 1337

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 14, 2013, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Toyo Tire & Rubber Co., Ltd. of Japan; Toyo Tire Holdings of Americas Inc. of Cypress, California; Toyo Tire U.S.A. Corp. of Cypress, California; Nitto Tire U.S.A. Inc. of Cypress, California; and Toyo Tire North America Manufacturing Inc. of White, Georgia. A supplement to the complaint was filed on September 5, 2013. The complaint, as supplemented, alleges violations 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 tires and products containing same by reason of infringement of U.S. Design Patent No. D487,424 (“the ‘424 patent”); U.S. Design Patent No. D610,975 (“the ‘975 patent”); U.S. Design Patent No. D610,976 (“the ‘976 patent”); U.S. Design Patent No. D610,977 (“the ‘977 patent”); U.S. Design Patent No. D615,031 (“the ‘031 patent”); U.S. Design Patent No. D626,913 (“the ‘913 patent”); U.S. Design Patent No. D458,214 (“the ‘214 patent”); and U.S. Design Patent No. D653,200 (“the ‘200 patent”). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (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>.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2013).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on September 13, 2013, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain tires and products containing same by reason of infringement of one or more of the claim of the '424 patent; the claim of the '975 patent; the claim of the '976 patent; the claim of the '977 patent; the claim of the '031 patent; the claim of the '913 patent; the claim of the '214 patent; and the claim of the '200 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 C.F.R. § 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. §§ 1337(d)(1), (f)(1), and (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Toyo Tire & Rubber Co., Ltd.
1-17-18 Edobori, Nishi-ku
Osaka 550-8661
Japan

Toyo Tire Holdings of Americas Inc.
5665 Plaza Drive, Suite 200
Cypress, CA 90630

Toyo Tire U.S.A. Corp.
5665 Plaza Drive, Suite 200
Cypress, CA 90630

Nitto Tire U.S.A. Inc.
5665 Plaza Drive, Suite 200
Cypress, CA 90630

Toyo Tire North America Manufacturing Inc.
3660 Highway 411 NE
White, GA 30184

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Hong Kong Tri-Ace Tire Co., Ltd.
No. 612 6/F South Tower
Guangzhou International Trade Building
Tianhe, Guangzhou, Guangdong
China 510620

Weifang Shunfuchang Rubber & Plastic Co., Ltd.
The West of JinGuang Street
Chenming Industrial Park
Shouguang City, Shandong
China 262719

Doublestar Dong Feng Tyre Co., Ltd.
No. 21 Hanjiang North Road
Shiyan, Hubei
China 442011

Shandong Yongtai Chemical Group Co., Ltd.
No. 14 Yingchun Road
Dawang Town
Shangrao, Dongying
Shandong, China 257335

MHT Luxury Alloys
19200 S. Reyes Avenue
Rancho Dominguez, CA 90221

Wheel Warehouse, Inc.
125 W. La Palma Ave., Unit P
Anaheim, CA 92801

Shandong Linglong Tyre Co., Ltd.
777 Jinlong Road
Zhaoyuan City, Shangdong
China 265406

Dunlap & Kyle Company, Inc.
d/b/a Gateway Tire and Service
Eureka St. Extended
Batesville, MS 38606

Unicorn Tire Corp.
4660 Distriplex Drive West
Memphis, TN 38118

West KY Customs, LLC
380 Chapel Lane
Benton, KY 42025

Svizz-One Corporation Ltd.
4/1-2 Moo 7, Banglane-Kohrat Road
Bangpla, Banglane
Nakornpathom
Thailand 73170

South China Tire and Rubber Co., Ltd.
116 Donghuan Road
Panyu District, Guangzhou City
Guangdong, China 511400

American Omni Trading Co., LLC
15354 Park Row
Houston, TX 77084

Tire & Wheel Master, Inc.
3745 Petersen Road
Stockton, CA 95215

Simple Tire
472 S. Walnut Avenue
Cookeville, TN 38501

WTD Inc.
16201 Commerce Way
Cerritos, CA 90703

Guangzhou South China Tire & Rubber Co., Ltd.
Bldg 14 #13 Qianjin Road (C)
Aotou, Conghua
Guangdong, China 510940
Turbo Wholesale Tires, Inc.
5793 Martin Road
Irwindale, CA 91706

TireCrawler.com
12238 S. Woodruff Avenue
Downey, CA 90241

Lexani Tires Worldwide, Inc.
5793 Martin Road
Irwindale, CA 91706

Vittore Wheel & Tire
502 Industrial Park Avenue
Asheboro, NC 27203

RTM Wheel & Tire
162 North Cherry Street
Asheboro, NC 27203

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Acting Secretary to the Commission

Issued: September 16, 2013