

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN FOOTWEAR PRODUCTS

Inv. No. 337-TA-936

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 October 14, 2014, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Converse Inc. of North Andover, Massachusetts. A supplement to the complaint was filed on November 4, 2014. The complaint 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 footwear products by reason of infringement of U.S. Trademark Registration No. 4,398,753 (“the ’753 trademark”); U.S. Trademark Registration No. 3,258,103 (“the ’103 trademark”); and U.S. Trademark Registration No. 1,588,960 (“the ’960 trademark”), and that an industry in the United States exists as required by subsection (a)(2) of section 337. The complaint further alleges violations of section 337 based upon unfair competition/false designation of origin, common law trademark infringement and unfair competition, and trademark dilution, the threat or effect of which is to destroy or substantially injure an industry in the United States.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a general exclusion order, or in the alternative 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 (2014).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on November 10, 2014, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine:

(a) whether there is a violation of subsection (a)(1)(C) 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 footwear products by reason of infringement of one or more of the '753, '103, and the '960 trademarks, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(b) whether there is a violation of subsection (a)(1)(A) 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 footwear products by reason of unfair competition/false designation of origin, common law trademark infringement and unfair competition, or trademark dilution, the threat or effect of which is to destroy or substantially injure an industry in the United States.

(2) 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 complainant is:

Converse Inc.
One High Street
North Andover, MA 01845

(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:

Skechers U.S.A., Inc.
228 Manhattan Beach Boulevard
Manhattan Beach, CA 90266

Wal-Mart Stores, Inc.
702 SW 8th Street
Bentonville, AR 72716-8611

A-List, Inc., d/b/a Kitson
115 South Robertson Boulevard
Los Angeles, CA 90048

Aldo Group
2300 Émile-Bélanger
Montreal, Quebec H4R 3J4
Canada

Brian Lichtenberg, LLC
825 1/2 Silver Lake Boulevard
Los Angeles, CA 90026

Cmerit USA, Inc., d/b/a Gotta Flurt
13875 Ramona Avenue
Chino, CA 91710

Dioniso SRL
via Pievaiola 166-f2
06132 Perugia
Italy

Edamame Kids, Inc.
1911-34 Avenue SW
Calgary, Alberta T2T 2C2
Canada

Esquire Footwear, LLC
385 5th Avenue, Second Floor
New York, NY 10016

FILA U.S.A., Inc.
930 Ridgebrook Road, Suite 200
Sparks, MD 21152

Fortune Dynamic, Inc.
21923 Ferrero Parkway
City of Industry, CA 91789

Gina Group, LLC
10 West 33rd Street, # 312
New York, NY 10001

H & M Hennes & Mauritz LP
215 Park Avenue South, 15th floor
New York, NY 10003

Highline United LLC d/b/a Ash Footwear USA
44 Mercer Street
New York, NY 10013

Hitch Enterprises Pty Ltd d/b/a Skeanie
Unit 3
13 Lyell Street
Mittagong, New South Wales 2575
Australia

Iconix Brand Group, Inc., d/b/a Ed Hardy
1450 Broadway, 3rd and 4th Floor
New York, NY 10018

Kmart Corporation
3333 Beverly Road
Hoffman Estates, IL 60179

Mamiye Imports LLC d/b/a Lilly of New York
1841 East 8th Street
Brooklyn, NY 11223

Nowhere Co., Ltd. d/b/a Bape
4-22-3, Sendagaya
Shibuya-Ku, 151-0051 Tokyo
Japan

OPPO Original Corp
108-118 Brea Canyon Road
City of Industry, CA 91789-3086

Orange Clubwear, Inc., d/b/a Demonica Deviant
14726 Goldenwest Street, Suite B
Westminster, CA 92683

Ositos Shoes, Inc., d/b/a Collection'O
9605 Rush Street
South El Monte, CA 91733

PW Shoes Inc.
58-30 Grand Avenue #3A
Maspeth, NY 11378

Ralph Lauren Corporation
650 Madison Avenue
New York, NY 10022-1070

Shenzhen Foreversun Industrial Co., Ltd
(a/k/a Shenzhen Foreversun Shoes Co., Ltd)
Room 1109-1112 F11
Yousong Science & Technology Bldg.
1st Road of Donghuan, Longhua
Bao'an, Shenzhen
Guangdong Province
China 518109

Shoe Shox
c/o Zulily, Inc.
2601 Elliott Avenue, Suite 200
Seattle, WA 98121

Tory Burch LLC
11 West 19th Street, 7th Floor
New York, NY 10011-4277

Zulily, Inc.
2601 Elliott Avenue, Suite 200
Seattle, WA 98121

Fujian Xinya I&E Trading Co. Ltd.
Floor 4, Building A
China Shoes Capital
Chendai Town, Jinjiang
Fujian Province
China 362200

Zhejiang Ouhai International Trade Co. Ltd.
Building B
Jinzhou Building
Wenzhou Avenue, Wenzhou
Zhejiang Province
China 325000

Wenzhou Cereals Oils & Foodstuffs Foreign Trade Co. Ltd.
24th Floor
International Trade Centre
236 Liming West Road, Wenzhou
Zhejiang Province
China 325003

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

(3) 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(d)–(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.



Lisa R. Barton
Secretary to the Commission

Issued: November 12, 2014