

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN FOOTWEAR PRODUCTS

Investigation No. 337-TA-936
(Remand)

**NOTICE OF A COMMISSION DECISION TO DETERMINE NOT TO REVIEW AN
INITIAL DETERMINATION GRANTING RESPONDENT'S MOTION TO
SUBSTITUTE PARTIES**

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. 173) of the presiding administrative law judge ("ALJ") granting respondent Highline United LLC's ("Original Highline") motion to substitute parties.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2310. 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 <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: The Commission instituted this investigation on November 17, 2014, based on a complaint filed on behalf of Converse Inc. of North Andover, Massachusetts. 81 *Fed. Reg.* 68482-83 (Nov. 17, 2014). The complaint alleges, *inter alia*, violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by reason of infringement of U.S. Trademark Registration No. 4,398,753 ("the '753 trademark"), registered on September 10, 2013, and common law trademark infringement of the same mark. The Commission's notice of investigation names numerous respondents including Skechers U.S.A., Inc. of Manhattan Beach, California and Highline United LLC d/b/a Ash Footwear USA ("Original Highline") of New York City, New York. New Balance Athletic Shoe, Inc. was subsequently added to the investigation as a respondent-intervenor. These three respondents remain active in the investigation, every other respondent having been terminated from the

investigation or subsequent appeal. *See* Order Nos. 32-34 (Jan. 20 and 22, 2015), *unreviewed by* Comm’n Notice (Feb. 10, 2015); Order No. 52 (Feb. 3, 2015), *unreviewed by* Comm’n Notice (Mar. 4, 2015); Order Nos. 55, 57 (Feb. 13 and 23, 2015), *unreviewed by* Comm’n Notice (Mar. 12, 2015); Order No. 59 (Mar. 3, 2015), *unreviewed by* Comm’n Notice (Mar. 24, 2015); Order Nos. 65, 67 (Mar. 10, 2015), *unreviewed by* Comm’n Notice (Mar. 30, 2015); Order No. 68 (Mar. 10, 2015); *unreviewed by* Comm’n Notice (Mar. 25, 2015); Order Nos. 69-70 (Mar. 12 and 13, 2015), *unreviewed by* Comm’n Notice (Apr. 1, 2015); Order Nos. 73, 80 (Mar. 30 and Apr. 7, 2015), *unreviewed by* Comm’n Notice (Apr. 24, 2015); Order No. 86 (Apr. 10, 2015), *unreviewed by* Comm’n Notice (May 4, 2015); Order No. 91 (Apr. 17, 2015); *unreviewed by* Comm’n Notice (May 12, 2015); Order No. 93 (Apr. 20, 2015), *unreviewed by* Comm’n Notice (May 13, 2015); Order No. 108 (May 10, 2015), *unreviewed by* Comm’n Notice (Jun. 4, 2015); Order No. 114 (Jun. 2, 2015), *unreviewed by* Comm’n Notice (Jun. 12, 2015); Order No. 128 (Jun. 29, 2015), *unreviewed by* Comm’n Notice (Jul. 15, 2015); Order No. 154 (Jul. 23, 2015), *unreviewed by* Comm’n Notice (Aug. 12, 2015); Order No. 155 (Jul. 29, 2015), *unreviewed by* Comm’n Notice (Aug. 14, 2015); *Converse, Inc. v. ITC*, 907 F.3d 1361 (Fed. Cir. 2018). The Office of Unfair Import Investigations is also a party to the investigation. 81 FR at 68482. The investigation was remanded to the Commission following a Federal Circuit decision. *See Converse*, 907 F.3d at 1361.

On June 28, 2019, the Original Highline filed an unopposed motion to substitute a new respondent, Highline United LLC (“New Highline”), for itself in the investigation because (1) Original Highline recently dissolved pursuant to bankruptcy proceedings and no longer exists; and (2) New Highline now sells the imported goods that are the subject of the investigation.

On July 3, 2019, the ALJ issued the subject ID (Order No. 173), pursuant to Commission Rule 210.42(c), granting the motion to substitute parties. The ALJ found that there is good cause to grant the motion. No party petitioned for review.

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 C.F.R. Part 210.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: July 18, 2019