

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

In the Matter of

**CERTAIN REPLACEMENT AUTOMOTIVE
SERVICE AND COLLISION PARTS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1160

LIMITED EXCLUSION ORDER

The United States International Trade Commission (“Commission”) has determined that there is a violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), in the unlawful importation, sale for importation, and sale in the United States after importation of certain replacement automotive service and collision parts and components thereof that infringe one or more of U.S. Trademarks, Registration Nos. 1,104,727; 3,991,863; 1,569,538; and 4,065,195 (collectively, the “Asserted Trademarks”) by respondents AJ Auto Spare Parts FZE of Dubai, United Arab Emirates; John Auto Spare Parts Co. LLC, of Dubai, United Arab Emirates; and Cuong Anh Co. Ltd. of Ninh Binh Province, Vietnam (collectively “Defaulting Respondents”). The Commission previously found the Defaulting Respondents in default pursuant to subsection (g)(1) of section 337, 19 U.S.C. § 1337(g)(1), and section 210.16 of the Commission’s Rules of Practice and Procedure, 19 C.F.R. § 210.16, for failing to respond to the Complaint and Notice of Investigation.

Having reviewed the record of this investigation, including the written submissions of the parties and the public, the Commission has made its determination on the issues of remedy, public interest, and bonding. The Commission has determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of certain replacement automotive service

and collision parts and components thereof that infringe one or more of the Asserted Trademarks (“Covered Articles”) manufactured abroad or imported by or on behalf of Defaulting Respondents, or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, for consumption into the United States, consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, except under license of the trademark owner or as provided by law.

The Commission has determined that the public interest factors enumerated in 19 U.S.C. § 1337(g)(1) do not preclude the issuance of the limited exclusion order, and that the bond during the period of Presidential review shall be in the amount of one hundred (100) percent of the entered value of the Covered Articles.

Accordingly, the Commission hereby **ORDERS** that:

1. Replacement automotive service and collision parts and components thereof that infringe one or more of the Asserted Trademarks and that are manufactured abroad or imported by or on behalf of the Defaulting Respondents, or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, are excluded from entry for consumption into the United States, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, except under license of the trademark owner or as provided by law, until such date as the Asserted Trademarks are abandoned, canceled, or rendered invalid or unenforceable.
2. For the purpose of assisting U.S. Customs and Border Protection (“CBP”) in the enforcement of this order, and without in any way limiting the scope of this Order, the Commission has attached to this Order a copy of the relevant trademark

registrations as Exhibits 1-4.

3. Notwithstanding paragraph 1 of this Order, the Covered Articles are entitled to entry into the United States for consumption, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption under bond in the amount of one hundred (100) percent of the entered value of the Covered Articles, pursuant to subsection (j) of Section 337 (19 U.S.C. § 1337(j)) and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 Fed. Reg. 43251), from the day after this Order is received by the United States Trade Representative until such time as the United States Trade Representative notifies the Commission that this Order is approved or disapproved but, in any event, not later than sixty (60) days after the date of receipt of this Order. All entries of Covered Articles made pursuant to this paragraph are to be reported to CBP, in advance of the date of the entry, pursuant to procedures CBP establishes.
4. At the discretion of CBP and pursuant to the procedures it establishes, persons seeking to import Covered Articles that are potentially subject to this Order may be required to certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraph 1 of this Order. At its discretion, CBP may require persons who have provided the certification described in this paragraph to furnish such records or analyses as are necessary to substantiate the certification.
5. Complainants shall file a written statement with the Commission, made under oath, each year on the anniversary of the issuance of this Order stating whether

Complainants continue to use each of the Asserted Trademarks in commerce in the United States in connection with the products at issue and whether any of the Asserted Trademarks have been abandoned, canceled, or rendered invalid or unenforceable.

6. The Commission may modify this Order in accordance with the procedures described in Section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).
7. The Commission Secretary shall serve copies of this Order upon each party of record in this investigation and upon CBP. While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 C.F.R §§ 201.16(a), 210.7(a)(1)), the Commission orders that the Complainant(s) complete service for any party/parties without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).
8. Notice of this Order shall be published in the *Federal Register*.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: August 18, 2020

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **Order, Commission** has been served on the following parties as indicated, on 8/18/2020.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

**On Behalf of Complainants Hyundai Motor America, Inc.
and Hyundai Motor Company:**

Kecia Reynolds, Esq.
PILLSBURY WINTHROP SHAW PITTMAN LLP
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Washington, DC 20036
Email: kecia.reynolds@pillsburylaw.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

**On Behalf of Respondents Direct Technologies International,
Inc. d/b/a DTI, Inc.**

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Washington, DC 20024
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- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

Respondents:

AJ Auto Spare Parts FZE
Office/Warehouse No. RAO8TC06
Jebel Ali Free Zone
Dubai, United Arab Emirates

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed By Complainants

AJ Auto Spare Parts FZE
Office/Warehouse No. RAO8TC06
Jebel Ali Free Zone
Dubai, United Arab Emirates

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**CERTAIN REPLACEMENT AUTOMOTIVE SERVICE
AND COLLISION PARTS AND COMPONENTS THEREOF**

Inv. No. 337-TA-1160

Certificate of Service – Page 2

John Auto Spare Parts Co. LLC
Building 15 — Jafza 15
Dubai, United Arab Emirates

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed By Complainants

Cuong Anh co. Ltd.
Lot 5, Gian 'Chau Industrial Parks
Gia Tran village, Gia Vien District
Ninh Bing Province Viet Nam

- Via Hand Delivery
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- Other: Service to Be Completed By Complainants

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

In the In the Matter of

**CERTAIN REPLACEMENT AUTOMOTIVE
SERVICE AND COLLISION PARTS
AND COMPONENTS THEREOF**

Investigation No. 337-TA-1160

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Respondent John Auto Spare Parts Co. LLC, of Building 15 – Jafza 15, Dubai, United Arab Emirates (“Respondent”) cease and desist from conducting any of the following activities in the United States, including via the internet: importing, selling, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution within the United States of certain replacement automotive service and collision parts and components thereof that infringe one or more of U.S. Trademark Registration Nos. 1,104,727; 3,991,863; 1,569,538; and 4,065,195 (collectively, the “Asserted Trademarks”) in violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

**I.
Definitions**

As used in this Order:

- (A) “Asserted Trademarks” shall mean U.S. Trademark Registration Nos. 1,104,727; 3,991,863; 1,569,538; and 4,065,195.
- (B) “Commission” shall mean the United States International Trade Commission.

- (C) “Complainants” shall mean Hyundai Motor Company of 231 YangJae-Dong, Seocho-gu Seoul 137-938, Republic of Korea and Hyundai Motor America, Inc. of 10550 Talbert Avenue, Fountain Valley, CA 92708.
- (D) “Respondent” shall mean John Auto Spare Parts Co. LLC, of Building 15 – Jafza 15, Dubai, United Arab Emirates.
- (E) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.
- (F) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.
- (G) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.
- (H) The term “covered products” shall mean replacement automotive service and collision parts and components thereof that infringe one or more of the Asserted Trademarks. Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by section III, *infra*, for, with, or otherwise on behalf of Respondent.

III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order.

While the Asserted Trademarks remain valid and enforceable, Respondent shall not:

- (A) import, sell for importation, or sell after importation into the United States covered products;
- (B) market, distribute, offer for sale, or otherwise transfer (except for exportation), in the United States imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV. Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if in a written instrument, the owner of the Asserted Trademarks licenses or authorizes such specific conduct.

V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this section shall cover the period from the date of issuance of this Order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has

truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to Section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-1160") in a prominent place on the cover pages and/or the first page. (*See Handbook on Filing Procedures*, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary at (202) 205-2000. If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainants' counsel.¹

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 C.F.R.

¹ Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.

210.4(f) are currently waived, pending resolution of the COVID-19 crisis. 85 Fed. Reg. 15798 (March 19, 2020).

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

- (A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.
- (B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII.
Service of Cease and Desist Order

The Secretary shall serve copies of this Order upon each party of record in this investigation that has retained counsel or otherwise provided a point of contact for electronic service and upon CBP. While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 C.F.R. §§ 201.16(a), 210.7(a)(1)), the Commission orders that the Complainant complete service of this Order for any party without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

Respondent is ordered and directed to:

- (A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;
- (B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this Order, a copy of the Order upon each successor; and
- (C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect indefinitely, unless the Asserted Trademarks are held invalid and unenforceable.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Sections V and VI of this Order should be made in accordance with Section 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this Order may result in any of the actions specified in Section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under Section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this Order on its own motion or in accordance with the procedure described in Section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by Section III of this Order may be continued during the sixty (60) period in which this Order is under review by the United States Trade Representative, as

delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of each covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. *See* 19 C.F.R. § 210.68. The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order. Upon the Secretary's acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties and (b) Respondent must serve a copy of the bond and any accompanying documentation on Complainants' counsel.²

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to a Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or

² *See* note 1 above.

not disapproved, or no action is taken) by the United States Trade Representative, upon service on Respondent of an order issued by the Commission based upon application therefore made by Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton".

Lisa R. Barton
Secretary to the Commission

Issued: August 18, 2020

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **Order, Commission** has been served on the following parties as indicated, on 8/18/2020.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

**On Behalf of Complainants Hyundai Motor America, Inc.
and Hyundai Motor Company:**

Kecia Reynolds, Esq.
PILLSBURY WINTHROP SHAW PITTMAN LLP
1200 Seventeenth Street, NW
Washington, DC 20036
Email: kecia.reynolds@pillsburylaw.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

**On Behalf of Respondents Direct Technologies International,
Inc. d/b/a DTI, Inc.**

Andrew R. Kopsidas Esq.
FISH & RICHARDSON P.C.
1000 Maine Avenue, SW
Suite 1000
Washington, DC 20024
Email: kopsidas@fr.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
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Respondents:

AJ Auto Spare Parts FZE
Office/Warehouse No. RAO8TC06
Jebel Ali Free Zone
Dubai, United Arab Emirates

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**CERTAIN REPLACEMENT AUTOMOTIVE SERVICE
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Inv. No. 337-TA-1160

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John Auto Spare Parts Co. LLC
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Cuong Anh co. Ltd.
Lot 5, Gian 'Chau Industrial Parks
Gia Tran village, Gia Vien District
Ninh Bing Province Viet Nam

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UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the In the Matter of

**CERTAIN REPLACEMENT AUTOMOTIVE
SERVICE AND COLLISION PARTS
AND COMPONENTS THEREOF**

Investigation No. 337-TA-1160

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Respondent Cuong Anh Co. Ltd. of Lot 5, Gian Khau Industrial Parks, Gia Tran Village, Gia Vien District, Ninh Binh Province, Vietnam (“Respondent”) cease and desist from conducting any of the following activities in the United States, including via the internet: importing, selling, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution within the United States of certain replacement automotive service and collision parts and components thereof that infringe one or more of U.S. Trademark Registration Nos. 1,104,727; 3,991,863; 1,569,538; and 4,065,195 (collectively, the “Asserted Trademarks”) in violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

I.
Definitions

As used in this Order:

- (A) “Asserted Trademarks” shall mean U.S. Trademark Registration Nos. 1,104,727; 3,991,863; 1,569,538; and 4,065,195.

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

In the In the Matter of

**CERTAIN REPLACEMENT AUTOMOTIVE
SERVICE AND COLLISION PARTS
AND COMPONENTS THEREOF**

Investigation No. 337-TA-1160

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Respondent AJ Auto Spare Parts FZE of Office/Warehouse No. RA08TC06, Jebel Ali Free Zone, Dubai, United Arab Emirates (“Respondent”) cease and desist from conducting any of the following activities in the United States, including via the internet: importing, selling, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution within the United States of certain replacement automotive service and collision parts and components thereof that infringe one or more of U.S. Trademark Registration Nos. 1,104,727; 3,991,863; 1,569,538; and 4,065,195 (collectively, the “Asserted Trademarks”) in violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

**I.
Definitions**

As used in this Order:

- (A) “Asserted Trademarks” shall mean U.S. Trademark Registration Nos. 1,104,727; 3,991,863; 1,569,538; and 4,065,195.

- (B) “Commission” shall mean the United States International Trade Commission.
- (C) “Complainants” shall mean Hyundai Motor Company of 231 YangJae-Dong, Seocho-gu Seoul 137-938, Republic of Korea and Hyundai Motor America, Inc. of 10550 Talbert Avenue, Fountain Valley, CA 92708.
- (D) “Respondent” shall mean AJ Auto Spare Parts FZE of Office/Warehouse No. RA08TC06, Jebel Ali Free Zone, Dubai, United Arab Emirates.
- (E) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.
- (F) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.
- (G) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.
- (H) The term “covered products” shall mean replacement automotive service and collision parts and components thereof that infringe one or more of the Asserted Trademarks. Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and

assigns, and to each of them, insofar as they are engaging in conduct prohibited by section III, *infra*, for, with, or otherwise on behalf of Respondent.

III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order. While the Asserted Trademarks remain valid and enforceable, Respondent shall not:

- (A) import, sell for importation, or sell after importation into the United States covered products;
- (B) market, distribute, offer for sale, or otherwise transfer (except for exportation), in the United States imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV. Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if in a written instrument, the owner of the Asserted Trademarks licenses or authorizes such specific conduct.

V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this

section shall cover the period from the date of issuance of this Order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to Section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-1160") in a prominent place on the cover pages and/or the first page. (*See Handbook on Filing Procedures*, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary at (202) 205-2000. If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainants' counsel.¹

¹ Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 C.F.R. 210.4(f) are currently waived, pending resolution of the COVID-19 crisis. 85 Fed. Reg. 15798 (March 19, 2020).

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

- (A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.
- (B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII.
Service of Cease and Desist Order

The Secretary shall serve copies of this Order upon each party of record in this investigation that has retained counsel or otherwise provided a point of contact for electronic service and upon CBP. While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 C.F.R. §§ 201.16(a), 210.7(a)(1)), the Commission orders that the Complainant complete service of this Order for any party without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

Respondent is ordered and directed to:

- (A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;
- (B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this Order, a copy of the Order upon each successor; and
- (C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect indefinitely, unless the Asserted Trademarks are held invalid and unenforceable.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Sections V and VI of this Order should be made in accordance with Section 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this Order may result in any of the actions specified in Section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under Section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this Order on its own motion or in accordance with the procedure described in Section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by Section III of this Order may be continued during the sixty (60) period in which this Order is under review by the United States Trade Representative, as

delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of each covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. *See* 19 C.F.R. § 210.68. The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order. Upon the Secretary's acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties and (b) Respondent must serve a copy of the bond and any accompanying documentation on Complainants' counsel.²

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to a Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or

² *See* note 1 above.

not disapproved, or no action is taken) by the United States Trade Representative, upon service on Respondent of an order issued by the Commission based upon application therefore made by Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton".

Lisa R. Barton
Secretary to the Commission

Issued: August 18, 2020

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **Order, Commission** has been served on the following parties as indicated, on 8/18/2020.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

**On Behalf of Complainants Hyundai Motor America, Inc.
and Hyundai Motor Company:**

Kecia Reynolds, Esq.
PILLSBURY WINTHROP SHAW PITTMAN LLP
1200 Seventeenth Street, NW
Washington, DC 20036
Email: kecia.reynolds@pillsburylaw.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

**On Behalf of Respondents Direct Technologies International,
Inc. d/b/a DTI, Inc.**

Andrew R. Kopsidas Esq.
FISH & RICHARDSON P.C.
1000 Maine Avenue, SW
Suite 1000
Washington, DC 20024
Email: kopsidas@fr.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

Respondents:

AJ Auto Spare Parts FZE
Office/Warehouse No. RAO8TC06
Jebel Ali Free Zone
Dubai, United Arab Emirates

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed By Complainants

AJ Auto Spare Parts FZE
Office/Warehouse No. RAO8TC06
Jebel Ali Free Zone
Dubai, United Arab Emirates

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed By Complainants

**CERTAIN REPLACEMENT AUTOMOTIVE SERVICE
AND COLLISION PARTS AND COMPONENTS THEREOF**

Inv. No. 337-TA-1160

Certificate of Service – Page 2

John Auto Spare Parts Co. LLC
Building 15 — Jafza 15
Dubai, United Arab Emirates

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed By Complainants

Cuong Anh co. Ltd.
Lot 5, Gian 'Chau Industrial Parks
Gia Tran village, Gia Vien District
Ninh Bing Province Viet Nam

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed By Complainants

- (B) “Commission” shall mean the United States International Trade Commission.
- (C) “Complainants” shall mean Hyundai Motor Company of 231 YangJae-Dong, Seocho-gu Seoul 137-938, Republic of Korea and Hyundai Motor America, Inc. of 10550 Talbert Avenue, Fountain Valley, CA 92708.
- (D) “Respondent” shall mean Cuong Anh Co. Ltd. of Lot 5, Gian Khau Industrial Parks, Gia Tran Village, Gia Vien District, Ninh Binh Province, Vietnam.
- (E) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.
- (F) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.
- (G) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.
- (H) The term “covered products” shall mean replacement automotive service and collision parts and components thereof that infringe one or more of the Asserted Trademarks. Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and

assigns, and to each of them, insofar as they are engaging in conduct prohibited by section III, *infra*, for, with, or otherwise on behalf of Respondent.

III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order.

While the Asserted Trademarks remain valid and enforceable, Respondent shall not:

- (A) import, sell for importation, or sell after importation into the United States covered products;
- (B) market, distribute, offer for sale, or otherwise transfer (except for exportation), in the United States imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV. Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if in a written instrument, the owner of the Asserted Trademarks licenses or authorizes such specific conduct.

V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this

section shall cover the period from the date of issuance of this Order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to Section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-1160") in a prominent place on the cover pages and/or the first page. (*See Handbook on Filing Procedures*, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary at (202) 205-2000. If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainants' counsel.¹

¹ Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 C.F.R. 210.4(f) are currently waived, pending resolution of the COVID-19 crisis. 85 Fed. Reg. 15798 (March 19, 2020).

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

- (A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.
- (B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII.
Service of Cease and Desist Order

The Secretary shall serve copies of this Order upon each party of record in this investigation that has retained counsel or otherwise provided a point of contact for electronic service and upon CBP. While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 C.F.R. §§ 201.16(a), 210.7(a)(1)), the Commission orders that the Complainant complete service of this Order for any party without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

Respondent is ordered and directed to:

- (A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;
- (B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this Order, a copy of the Order upon each successor; and
- (C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect indefinitely, unless the Asserted Trademarks are held invalid and unenforceable.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to Sections V and VI of this Order should be made in accordance with Section 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this Order may result in any of the actions specified in Section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under Section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this Order on its own motion or in accordance with the procedure described in Section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by Section III of this Order may be continued during the sixty (60) period in which this Order is under review by the United States Trade Representative, as

delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of each covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. *See* 19 C.F.R. § 210.68. The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order. Upon the Secretary's acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties and (b) Respondent must serve a copy of the bond and any accompanying documentation on Complainants' counsel.²

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to a Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or

² *See* note 1 above.

not disapproved, or no action is taken) by the United States Trade Representative, upon service on Respondent of an order issued by the Commission based upon application therefore made by Respondent to the Commission.

By order of the Commission.

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

Lisa R. Barton
Secretary to the Commission

Issued: August 18, 2020

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **Order, Commission** has been served on the following parties as indicated, on 8/18/2020.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

**On Behalf of Complainants Hyundai Motor America, Inc.
and Hyundai Motor Company:**

Kecia Reynolds, Esq.
PILLSBURY WINTHROP SHAW PITTMAN LLP
1200 Seventeenth Street, NW
Washington, DC 20036
Email: kecia.reynolds@pillsburylaw.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

**On Behalf of Respondents Direct Technologies International,
Inc. d/b/a DTI, Inc.**

Andrew R. Kopsidas Esq.
FISH & RICHARDSON P.C.
1000 Maine Avenue, SW
Suite 1000
Washington, DC 20024
Email: kopsidas@fr.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

Respondents:

AJ Auto Spare Parts FZE
Office/Warehouse No. RAO8TC06
Jebel Ali Free Zone
Dubai, United Arab Emirates

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed By Complainants

AJ Auto Spare Parts FZE
Office/Warehouse No. RAO8TC06
Jebel Ali Free Zone
Dubai, United Arab Emirates

- Via Hand Delivery
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- Other: Service to Be Completed By Complainants

**CERTAIN REPLACEMENT AUTOMOTIVE SERVICE
AND COLLISION PARTS AND COMPONENTS THEREOF**

Inv. No. 337-TA-1160

Certificate of Service – Page 2

John Auto Spare Parts Co. LLC
Building 15 — Jafza 15
Dubai, United Arab Emirates

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed By Complainants

Cuong Anh co. Ltd.
Lot 5, Gian 'Chau Industrial Parks
Gia Tran village, Gia Vien District
Ninh Bing Province Viet Nam

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed By Complainants