

In the Matter of

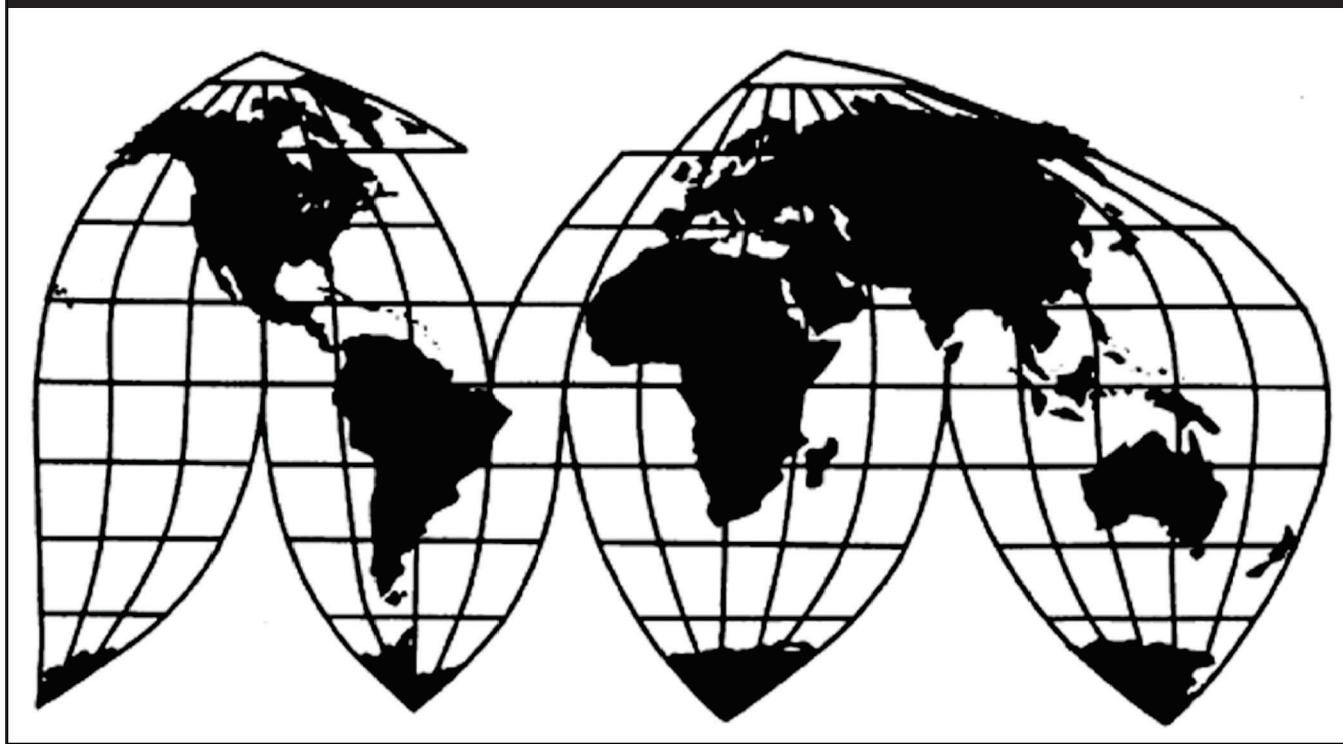
**CERTAIN PICKUP TRUCK FOLDING BED
COVER SYSTEMS AND COMPONENTS
THEREOF**

337-TA-1143

Publication 5084

June 2020

U.S. International Trade Commission



Washington, DC 20436

U.S. International Trade Commission

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Washington, DC 20436**

U.S. International Trade Commission

Washington, DC 20436
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In the Matter of

CERTAIN PICKUP TRUCK FOLDING BED COVER SYSTEMS AND COMPONENTS THEREOF

337-TA-1143



UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN PICKUP TRUCK FOLDING
BED COVER SYSTEMS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1143

**NOTICE OF A COMMISSION ISSUANCE OF LIMITED EXCLUSION ORDER
AGAINST INFRINGING PRODUCTS OF RESPONDENT FOUND IN DEFAULT;
ISSUANCE OF CEASE AND DESIST ORDER AGAINST DEFAULTING
RESPONDENT; TERMINATION OF INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has issued a limited exclusion order (“LEO”) against infringing products from Ningbo Huadian Cross Country Automobile Accessories Co., Ltd. (“Ningbo”) of Ningbo, China and a cease and desist order (“CDO”) against Ningbo. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, 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, SW, 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 February 15, 2019, based on a complaint filed on behalf of Extang Corporation and Laurmark Enterprises, Inc. d/b/a BAK Industries (collectively, “Complainants”), both of Ann Arbor, Michigan. 84 FR 4534-35 (Feb. 15, 2019). The complaint alleges violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“Section 337”), based upon the importation into the United States, sale for importation, and the sale within the United States after importation of certain pickup truck folding bed cover systems and components thereof by reason of infringement of certain claims of U.S. Patent Nos. D620,877; 7,188,888 (“the ’888 patent”); 7,484,788; 8,061,758; 8,182,021 (“the ’021 patent”); and 8,690,224; and U.S. Trademark

Registration Nos. 5,104,393 (“the ’393 trademark”) and 3,904,016 (“the ’016 trademark”). The Commission’s notice of investigation names eleven respondents: Ningbo; DT Trading Inc. of Alhambra, California; JL Concepts Inc. and Stehlen Automotive, both of Walnut, California; Wenzhou Kouvi Hardware Products Co., Ltd. of Zhejiang Province, China; SynteticUSA of Pico Rivera, California; Topline Autoparts, Inc. and Velocity Concepts Inc., both of Hacienda Heights, California; Apex Auto Parts Mfg. Inc. and Syppo Marketing, Inc., both of City of Industry, California; and Sunwood Industries Co., Ltd. (“Sunwood”) of Jiangsu, China. The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. The Commission previously found Ningbo in default. Order No. 23 (May 3, 2019), *unreviewed by* Comm’n Notice (May 29, 2019). Apart from Ningbo, all of the respondents were terminated from the investigation via consent orders. *See* Order Nos. 13-19 (Apr. 12, 2019), *unreviewed by* Comm’n Notice (May 8, 2019); Order Nos. 20-21 (Apr. 26, 2019), *unreviewed by* Comm’n Notice (May 15, 2019); Order No. 27 (July 3, 2019), *unreviewed by* Comm’n Notice (July 29, 2019).

On March 12, 2019, Complainants filed a motion, pursuant to Commission Rule 210.16 (19 CFR 210.16), requesting: (1) an order directing, *inter alia*, Ningbo to show cause why it should not be found in default for failure to respond to the complaint and notice of investigation as required by Commission Rule 210.13 (19 CFR 210.13); and (2) the issuance of an initial determination (“ID”) finding, *inter alia*, Ningbo in default upon its failure to show cause. On March 19, 2019, the presiding administrative law judge (“ALJ”) issued Order No. 9 which required, *inter alia*, Ningbo to show cause no later than April 1, 2019, as to why it should not be held in default and have judgment rendered against it pursuant to Commission Rule 210.16 (19 CFR 210.16). No response was received from Ningbo to the motion or show cause order.

The ALJ issued an ID (Order No. 23) on May 3, 2019, finding Ningbo in default, pursuant to Commission Rule 210.16 (19 CFR 210.16), because it did not respond to the complaint, notice of investigation, and Order No. 9. Subsequently, the ALJ issued Order No. 27, which entered a consent order with respect to Sunwood. Order No. 27 also terminated the investigation before the ALJ because Sunwood was the last participating respondent. The Commission determined not to review Order No. 27 and requested written submissions on the issues of remedy, the public interest, and bonding. 84 *Fed. Reg.* 37673-74 (August 1, 2019).

Complainants and OUII submitted briefing responsive to the Commission’s request on August 12, 2019, and OUII submitted a reply brief on August 19, 2019. Complainants and OUII both argued that the Commission should issue an LEO directed to Ningbo’s infringing products and a CDO directed to Ningbo.

Having reviewed the record in the investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined to issue relief directed solely to the defaulting respondent, Ningbo, pursuant to Section 337(g)(1), 19 U.S.C. 1337(g)(1). The Commission finds that the statutory requirements of Section 337(g)(1)(A)-(E) (19 U.S.C. 1337(g)(1)(A)-(E)) are met with respect to the defaulting respondent. Pursuant to Section 337(g)(1) and

Commission Rule 210.16(c) (19 CFR 210.16(c)), the Commission presumes the facts alleged in the complaint to be true. Based on the record in this investigation and the written submissions from the parties, the Commission has determined to issue an LEO directed to the defaulting respondent prohibiting the unlicensed entry of folding cover assemblies for pickup truck cargo boxes and components thereof that infringe one or more of claim 11 of the '888 patent, claim 18 of the '021 patent, the '393 trademark, and the '016 trademark, and that are manufactured abroad by or on behalf of, or imported by or on behalf of Ningbo, or any of its affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns. The Commission has also determined to issue a CDO prohibiting Ningbo from conducting any of the following activities in the United States: importing, selling, marketing, advertising, distributing, offering for sale, transferring (except for exportation), and soliciting U.S. agents or distributors for folding cover assemblies for pickup truck cargo boxes and components thereof that infringe one or more of claim 11 of the '888 patent, claim 18 of the '021 patent, the '393 trademark, and the '016 trademark. *See Certain Electric Skin Care Devices, Brushes and Chargers Therefor, and Kits Containing the Same*, Inv. No. 337-TA-959, Comm'n Op. (Feb. 13, 2017) (public version) (including Chairman Schmittlein's Separate Views on issuing cease and desist orders governed by Section 337(g)(1)).

The Commission has further determined that the public interest factors enumerated in Section 337(g)(1) (19 U.S.C. 1337(g)(1)) do not preclude issuance of the LEO or CDO. Finally, the Commission has determined that a bond in the amount of 100 percent of the entered value of the covered products is required during the period of Presidential review (19 U.S.C. 1337(j)). The Commission's order was delivered to the President and to the United States Trade Representative on the day of its issuance.

The Commission has terminated this investigation. 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 CFR part 210.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: October 23, 2019

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served by hand upon the Commission Investigative Attorney, **Vu Bui, Esq.**, and the following parties as indicated, on **October 23, 2019**.



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

**On Behalf of Complainants Extang Corporation and Laurmark
Enterprises, Inc. d/b/a BAK Industries:**

H. Jonathan Redway, Esq.
DICKINSON WRIGHT PLLC
International Square, 1825 Eye Street, N.W., Suite 900
Washington, D.C. 20006

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: _____

On Behalf of Respondent Sunwood Industries

Lyle Vander Schaaf, Esq.
BRINKS GILSON & LIONE
1775 Pennsylvania Ave. Suite 900
Washington, DC 20006

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: _____

Respondents:

Ningbo Huadian Cross Country
Automobile Accessories Co., Ltd.
Room 2402
Huijin Building No. 77, Heyi Road
Ningbo China 315000

- Via Hand Delivery
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- Other: _____

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN PICKUP TRUCK FOLDING
BED COVER SYSTEMS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1143

LIMITED EXCLUSION ORDER

The United States International Trade Commission (“Commission”) has found Ningbo Huadian Cross Country Automobile Accessories Co., Ltd. (“Respondent”) in default pursuant to 19 U.S.C. § 1337(g)(1) and 19 C.F.R. § 210.16 for failing to respond to a Notice of Institution of Investigation and a Complaint that alleged 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, or sale within the United States after importation of certain folding cover assemblies for pickup truck cargo boxes and components thereof that infringe one or more of claim 11 of U.S. Patent No. 7,188,888 (“the ’888 patent”); claim 18 of U.S. Patent No. 8,182,021 (“the ’021 patent”); U.S. Trademark Registration No. 5,104,393 (“the ’393 trademark”); and U.S. Trademark Registration No. 3,904,016 (“the ’016 trademark”) (“covered articles”).

Having reviewed the record in this investigation, including the written submissions of the parties, 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 folding cover assemblies for pickup truck cargo boxes and components thereof manufactured abroad by or on behalf of, or imported by or on behalf of, Respondent or any of its affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns.

The Commission has also 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 100 percent of the entered value of the covered articles.

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

1. Folding cover assemblies for pickup truck cargo boxes and components thereof that infringe one or more of claim 11 of the '888 patent and claim 18 of the '021 patent that are manufactured abroad by or on behalf of, or imported by or on behalf of, Respondent, or its 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, for the remaining terms of the patents, except under license of the patent owner or as provided by law.
2. Folding cover assemblies for pickup truck cargo boxes and components thereof that infringe one or more of the '393 trademark and the '016 trademark that are manufactured abroad by or on behalf of, or imported by or on behalf of, Respondent, or its 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 from, or with permission provided in writing from, the trademark owner or as

provided by law, until such date as the trademarks are abandoned, canceled, or rendered invalid or unenforceable.

3. The '393 and '016 trademark registrations are attached as Exhibit 1. 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 the Order, the Commission has attached to this Order as Exhibit 2 a copy of a photograph provided to the Commission by Complainants of an exemplary folding cover assembly for a pickup truck cargo box having the protected trademarks.
4. Notwithstanding paragraphs 1 and 2 of this Order, 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 100 percent of the entered value of the products, 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.* 43,251), 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.

5. This Order does not exempt infringing articles from seizures under the trademark laws enforced by CBP, most notably 19 U.S.C. § 1526(e) and 19 U.S.C. § 1595a(c)(2)(C) for a violation of 15 U.S.C. § 1124.
6. 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 paragraphs 1-2 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.
7. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to covered articles that are imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.
8. 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 the '393 trademark and the '016 trademark in commerce in the United States in connection with folding cover assemblies for pickup truck cargo boxes and components thereof and whether the '393 trademark or the '016 trademark has been abandoned, canceled, or rendered invalid or unenforceable.

9. 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).
10. The Secretary shall serve copies of this Order upon each party of record in this investigation and upon CBP.
11. Notice of this Order shall be published in the *Federal Register*.

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
Secretary to the Commission

Issued: October 23, 2019

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Attorney, **Vu Bui, Esq.**, and the following parties as indicated, on **October 23, 2019**.



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

**On Behalf of Complainants Extang Corporation and Laurmark
Enterprises, Inc. d/b/a BAK Industries:**

H. Jonathan Redway, Esq.
DICKINSON WRIGHT PLLC
International Square, 1825 Eye Street, N.W., Suite 900
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- Other: _____

On Behalf of Respondent Sunwood Industries

Lyle Vander Schaaf, Esq.
BRINKS GILSON & LIONE
1775 Pennsylvania Ave. Suite 900
Washington, DC 20006

- Via Hand Delivery
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Respondents:

Ningbo Huadian Cross Country
Automobile Accessories Co., Ltd.
Room 2402
Huijin Building No. 77, Heyi Road
Ningbo China 315000

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- Other: _____

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

In the Matter of

**CERTAIN PICKUP TRUCK FOLDING
BED COVER SYSTEMS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1143

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Respondent Ningbo Huadian Cross Country Automobile Accessories Co., Ltd. (“Respondent”) cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, 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 of folding cover assemblies for pickup truck cargo boxes and components thereof that infringe one or more of claim 11 of U.S. Patent No. 7,188,888 (“the ’888 patent”); claim 18 of U.S. Patent No. 8,182,021 (“the ’021 patent”); U.S. Trademark Registration No. 5,104,393 (“the ’393 trademark”); and U.S. Trademark Registration No. 3,904,016 (“the ’016 trademark”), 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) “Commission” shall mean the United States International Trade Commission.

- (B) “Complainants” shall mean Extang Corporation and Laurmark Enterprises, Inc. d/b/a BAK Industries.
- (C) “Respondent” shall mean Ningbo Huadian Cross Country Automobile Accessories Co., Ltd., whose address is represented to be Room 2402, Huijin Building No. 77, Heyi Road, Ningbo, China 315000.
- (D) “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.
- (E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.
- (F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.
- (G) The term “covered products” shall mean folding cover assemblies for pickup truck cargo boxes and components thereof that infringe one or more of claim 11 of the ’888 patent; claim 18 of the ’021 patent; the ’393 trademark; and the ’016 trademark. 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. For the remaining terms of the '888 and '021 patents, and while the '393 and '016 trademarks remain valid and enforceable, as applicable, Respondent shall not:

- (A) import or sell for importation into the United States covered products;
- (B) market, distribute, offer for sale, sell, or otherwise transfer (except for exportation) 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:

- (A) in a written instrument, the owner of the '888 patent, '021 patent, '393 trademark, or '016 trademark licenses or authorizes such specific conduct; or
- (B) such specific conduct is related to the importation or sale of covered products by or for the United States.

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, 2019.

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-1143") in a prominent place on the cover pages and/or the first page. *See Handbook for Electronic Filing Procedures*, http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf. Persons with questions regarding filing should contact the Secretary (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 Complainant's 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.

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**

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 until the '888 and '021 patents expire and until the '393 and '016 trademarks have been abandoned, canceled, or rendered invalid or unenforceable.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section 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) day 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)), provided Respondents post a bond in the amount of 100% of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by section IV of this Order. Covered products imported on or 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 that 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 accompanying documentation on Complainant's counsel.²

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it 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 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.

This 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 not disapproved) 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.



Lisa R. Barton
Secretary to the Commission

Issued: October 23, 2019

² See Footnote 1.

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Attorney, **Vu Bui, Esq.**, and the following parties as indicated, on **October 23, 2019**.



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UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN PICKUP TRUCK FOLDING
BED COVER SYSTEMS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1143

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO A SINGLE
RESPONDENT BASED ON A CONSENT ORDER STIPULATION AND CONSENT
ORDER, AND AMENDING THE COMPLAINT AND NOTICE OF INVESTIGATION;
ISSUANCE OF CONSENT ORDER; AND REQUEST FOR WRITTEN SUBMISSIONS
ON REMEDY, THE PUBLIC INTEREST, AND BONDING**

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. 27) of the presiding administrative law judge (“ALJ”): (1) terminating the above-captioned investigation as to respondent Sunwood Industries Co., Ltd. (“Sunwood”) of Jiangsu, China based on a consent order stipulation and consent order, and (2) amending the complaint and notice of investigation. The Commission has issued the respective consent order and is requesting written submissions on remedy, the public interest, and bonding concerning defaulting respondent Ningbo Huadian Cross Country Automobile Accessories Co., Ltd. (“Ningbo”) of Ningbo, China.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, 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, SW, 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 February 15, 2019, based on a complaint filed on behalf of Extang Corporation and Laurmark Enterprises, Inc. d/b/a BAK Industries (collectively, “Complainants”), both of Ann Arbor, Michigan. 84 FR 4534-35 (Feb. 15, 2019). The complaint alleges violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“Section 337”), based upon the importation into the United States, sale for importation, and the sale within the United States after importation of certain pickup truck folding bed cover systems and components thereof by reason of infringement of certain claims of U.S. Patent Nos. D620,877; 7,188,888; 7,484,788; 8,061,758; 8,182,021; and 8,690,224; and U.S. Trademark Registration Nos. 5,104,393 and 3,904,016. The Commission’s notice of investigation names numerous respondents, including Ningbo and Sunwood. The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. The Commission previously found Ningbo in default. Order No. 23 (May 3, 2019), *unreviewed by* Comm’n Notice (May 29, 2019). All other respondents, with the exception of Sunwood, have been terminated from the investigation based on consent order stipulation and proposed consent order. *See* Order Nos. 13-19 (Apr. 12, 2019), *unreviewed by* Comm’n Notice (May 8, 2019); Order Nos. 20-21 (Apr. 26, 2019), *unreviewed by* Comm’n Notice (May 15, 2019).

On May 30, 2019, Complainants and Sunwood filed a joint motion to terminate the investigation as to Sunwood based on a consent order stipulation and proposed consent order. On June 11, 2019, OUII filed a response supporting the joint motion, including a request to amend the complaint and notice of investigation to change the full name of Sunwood to reflect the correct entity being accused.

On July 3, 2019, the ALJ issued the subject ID (Order No. 27) granting the joint motion for termination as to Sunwood. The ALJ found that the consent order stipulation and consent order satisfy the requirements of Commission Rule 210.21(c) (19 CFR 210.21(c)). He further found, pursuant to Commission Rule 210.50(b)(2) (19 CFR 210.50(b)(2)), that there is no indication that termination of this investigation as to Sunwood based on the consent order stipulation would adversely impact the public interest. The ALJ also found that good cause exists, pursuant to Commission Rule 210.4 (19 CFR 210.14), to grant OUII’s request and amend the complaint and notice of investigation to accurately reflect the correct name for respondent Sunwood as Changzhou Sunwood International Trading Co., Ltd. The ALJ terminated the investigation before him because Sunwood is the last participating respondent and Complainants did not request a general exclusion order. No party petitioned for review of the ID.

The Commission has determined not to review the subject ID and has issued the requested consent order.

Section 337(g)(1) (19 U.S.C. 1337(g)(1)) and Commission Rule 210.16(c) (19 CFR 210.16(c)) authorize the Commission to order limited relief against a respondent found in default, unless after consideration of the public interest factors in Section 337(g)(1), it finds that

such relief should not issue. Accordingly, in connection with the final disposition of this investigation, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered with respect to Ningbo. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843, Comm'n Op. at 7-10 (December 1994).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve or disapprove the Commission's action. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

WRITTEN SUBMISSIONS: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding.

Complainants and OUII are also requested to submit proposed remedial orders for the Commission's consideration. Complainants are also requested to state the date that the asserted patents expire, the HTSUS numbers under which the accused products are imported, and to supply the names of known importers of the products at issue in this investigation. The written submissions regarding remedy, bonding, and the public interest and proposed remedial orders must be filed no later than close of business on August 12, 2019. Reply submissions must be filed no later than the close of business on August 19, 2019. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit eight true paper copies to the Office of the Secretary pursuant to Section 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-1143") in a prominent place on the cover page 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.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel¹, solely for cybersecurity purposes. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

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 29, 2019

¹ All contract personnel will sign appropriate nondisclosure agreements.

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served by hand upon the Commission Investigative Attorney, **Vu Bui, Esq.**, and the following parties as indicated, on **July 29, 2019**.



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

**On Behalf of Complainants Extang Corporation and Laurmark
Enterprises, Inc. d/b/a BAK Industries:**

H. Jonathan Redway, Esq.
DICKINSON WRIGHT PLLC
International Square, 1825 Eye Street, N.W., Suite 900
Washington, D.C. 20006

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: _____

On Behalf of Respondent Sunwood Industries

Lyle Vander Schaaf, Esq.
BRINKS GILSON & LIONE
1775 Pennsylvania Ave. Suite 900
Washington, DC 20006

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: _____

Respondents:

Ningbo Huadian Cross Country
Automobile Accessories Co., Ltd.
Room 2402
Huijin Building No. 77, Heyi Road
Ningbo China 315000

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: _____

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN PICKUP TRUCK FOLDING
BED COVER SYSTEMS AND
COMPONENTS THEREOF**

Inv. No. 337-TA-1143

**ORDER NO. 27: INITIAL DETERMINATION TERMINATING RESPONDENT
SUNWOOD BASED ON A CONSENT ORDER AND AMENDING
NOTICE OF INVESTIGATION; TERMINATION OF THE
INVESTIGATION IN ITS ENTIRETY**

(July 3, 2019)

Complainants Extang Corporation and Laurmark Enterprises, Inc. d/b/a BAK Industries (collectively, “Complainants”) and respondent Sunwood Industries Co., Ltd. (“Sunwood”) filed a joint motion seeking to terminate this investigation as to Sunwood based upon a consent order stipulation and proposed consent order, and a memorandum in support thereof.¹ Motion Docket No. 1143-018. Subsequently, Complainants moved to supplement the pending Motion to include photographs of a certain physical exhibit, Sunwood Physical Exhibit 1, referenced in their consent order stipulation and proposed consent order. Motion Docket No. 1143-019. Complainants’ motion to supplement is granted, and due to the claim of confidentiality over Sunwood Physical Exhibit 1, this initial determination must issue in public and confidential versions. 19 C.F.R. § 210.21(c)(1)(ii).

Thereafter, the Commission Investigative Staff (“Staff”) filed a response in support of the requested relief. No other party responded to the pending motions.

Commission Rule 210.21(c) provides: “A motion for termination by consent order shall

¹ Movants also requested a stay of the proceedings, which was granted-in-part with Order No. 26 (May 31, 2019).

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contain copies of any licensing or other settlement agreement, any supplemental agreements, and a statement that there are no other agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation.” 19 C.F.R. § 210.21(c). The pending motion includes as exhibits a Consent Order Stipulation by Respondent Sunwood Industries Co., Ltd. (Mot., Exhibit A) and a Proposed Consent Order by Respondent Sunwood Industries Co., Ltd. (Mot., Exhibit B). Further, movants state: “There are no other agreements, written or oral, express or implied, between the Parties concerning the subject matter of this investigation.” Mot. at 2. The pending motion therefore satisfies the requirements of Commission Rule 210.21(c).

Commission Rule 210.21(c)(3) sets forth the requirements for a consent order stipulation. 19 C.F.R. § 210.21(c)(3). The consent order stipulation (Mot., Exhibit A) conforms to Commission Rule 210.21(c)(3).

Commission Rule 210.21(c)(4) sets forth the requirements for a consent order. 19 C.F.R. § 210.21(c)(4). In particular, the rule states “[t]he Commission will not issue consent orders with terms beyond those provided for in this section, and will not issue consent orders that are inconsistent with this section.” *Id.* The proposed consent order attached to the motion (Mot., Exhibit B) includes each of the statements listed in 19 C.F.R. 210.21(c)(4) and, additionally, a definition of “non-subject articles” with reference to Sunwood Physical Exhibit 1. (*See* Mot., Exhibit B at 2-3.) While this definition might be considered material beyond the terms provided in 19 C.F.R. § 210.21(c)(4), I find it is useful to any later enforcement of the consent order and otherwise appropriate under the rule which requires a statement on “the identity of the complainant, the respondent, *and the subject articles*” 19 C.F.R. § 210.21(c)(4)(i) (emphasis added); *see Certain Carburetors and Products Containing Such Carburetors*, Inv. No. 337-TA-1123, Consent Order, ¶ 4 (Mar. 25, 2019). Thus, I

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find the proposed consent order (Mot., Exhibit B) conforms to Commission Rule 210.21(c)(4).

Commission Rule 210.50(b)(2) provides that, in the case of a proposed termination by settlement agreement, consent order, or arbitration agreement, the parties may file statements regarding the impact of the proposed termination on the public interest, and the administrative law judge may hear argument, although no discovery may be compelled, with respect to issues relating solely to the public interest. 19 C.F.R. § 210.50(b)(2). The administrative law judge is directed to consider and make appropriate findings “regarding the effect of the proposed settlement on the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers.” *See id.*

The movants state: “[T]ermination here is in the public’s interest as it promotes administrative economy and it will not impose an undue burden on the public health and welfare, competitive conditions in the U.S. economy, production of like or directly competitive articles in the United States, or U.S. consumers.” Mem. at 6.

With respect to the public interest considerations, the Staff argues:

The Staff is not aware of any information indicating that termination of the investigation with respect to Sunwood based on the corrected Proposed Consent Order would be contrary to the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, or U.S. consumers. . . . Thus, the Staff submits that there are no public interest concerns weighing against termination of the investigation with respect to Sunwood based on the corrected Proposed Consent Order, and that the requested relief should be granted.

Staff Resp. at 10-11.

Having considered the arguments submitted by the parties, I find no public interest concerns weighing against termination of the investigation as to Sunwood. There is nothing to suggest that the

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proposed consent order would impose an undue burden on the public health and welfare, competitive conditions in the U.S. economy, the production of similar or directly competitive articles in the United States, or U.S. consumers. *See* 19 U.S.C. § 1337(d). I therefore find that termination of the investigation as to Sunwood is in the public interest, which favors settlement to avoid needless litigation and to conserve public resources. *See Certain Data Storage Systems and Components Thereof*, Inv. No. 337-TA-471, Order No. 51, at 4 (March 11, 2003).

Further, as observed by the Staff, the submitted consent order stipulation and proposed consent order are both signed by a representative from “Changzhou Sunwood International Trading Co., Ltd.” and not “Sunwood Industries, Co., Ltd.” as listed in the notice of investigation. Both documents also represent that Changzhou Sunwood International Trading Co., Ltd. is in fact “the correct legal name” of Sunwood Industries Co., Ltd. I therefore find good cause under 19 C.F.R. § 210.14 to amend the Complaint and Notice of Investigation to accurately reflect the correct name for respondent Sunwood as Changzhou Sunwood International Trading Co., Ltd.

It is therefore my initial determination that Motion No. 1143-018 is granted. This investigation is hereby terminated as to respondent Changzhou Sunwood International Trading Co., Ltd. This initial determination, along with supporting documentation, is hereby certified to the Commission. As Changzhou Sunwood International Trading Co., Ltd. is the last participating respondent, and the pending motion includes no statement that Complainants seek a general exclusion order under 19 C.F.R. § 210.16(c)(2), this investigation is hereby terminated in its entirety.

Pursuant to 19 C.F.R. § 210.42(h), this initial determination shall become the determination of the Commission unless a party files a petition for review of the initial determination pursuant to 19

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C.F.R. § 210.43(a), or the Commission, pursuant to 19 C.F.R. § 210.44, orders on its own motion a review of the initial determination or certain issues herein.

SO ORDERED.

A handwritten signature in cursive script, appearing to read "C. Elliot", written over a horizontal line.

Cameron Elliot
Administrative Law Judge

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC

Before the Honorable Cameron Elliot
Administrative Law Judge

In the Matter of

CERTAIN PICKUP TRUCK FOLDING BED
COVER SYSTEMS AND COMPONENTS
THEREOF

Investigation No. 337-TA-1143

**JOINT MOTION FOR TERMINATION OF THE INVESTIGATION
AS TO RESPONDENT SUNWOOD INDUSTRIES CO., LTD.
BASED ON A CONSENT ORDER AND TO STAY PROCEEDINGS IN PART**

Ground Rule 3.2 Certification

Complainant Extang Corporation and Complainant Laurmark Enterprises, Inc. d/b/a BAK Industries (collectively "Complainants") and Respondent Sunwood Industries Co., Ltd ("Sunwood") jointly contacted the Commission Investigative Attorneys ("Staff") regarding the subject matter of this motion. Staff advised that it does not oppose the request for a stay of the proceedings and will take a position on the Consent Order Stipulation and Consent Order after reviewing the motion papers. Staff agreed to waive the Ground Rule 3.2 two-day notice required.

Grounds for Motion

On February 15, 2019, the Commission instituted this Investigation. 84 Fed. Reg. 4534. Pursuant to Commission Rules 210.21(c), Complainants and Respondent Sunwood Industries Co., Ltd. (the correct legal name: Changzhou Sunwood International Trading Co., Ltd. (hereinafter

JOINT MOTION FOR TERMINATION OF THE INVESTIGATION
AS TO RESPONDENT SUNWOOD BASED ON A CONSENT ORDER
337-TA-1143

“Sunwood”)) (collectively, the “Parties”) hereby jointly move to terminate the above-captioned Investigation as to Sunwood based upon the Consent Order Stipulation and [Proposed] Consent Order (attached as Exhibits A and B, respectively) and to stay all deadlines in the proceeding, including today’s deadlines, with respect to or relating to Sunwood and Complainants. The Parties request entry of a Consent Order based on the Consent Order Stipulation submitted contemporaneously herewith, which contains the admissions, waivers and other statements required by Commission Rule 210.21(c)(3).

Under the terms of the Consent Order Stipulation, upon entry of the Consent Order, Sunwood shall not sell within the United States or otherwise transfer (except for exportation) any remaining inventory of imported Subject Articles (as that term is defined in the Consent Order Stipulation) within the United States and Sunwood shall not sell for importation, import into the United States, or sell in the United States after importation, or knowingly aid, abet, encourage, participate in, or induce the distribution, sale for importation, import into the United States, or sell in the United States after importation the Subject Articles that Complainants allege infringe the Asserted Patent (as that term is defined in the Consent Order Stipulation) except under consent, or a license from Complainants, its successors or assignees.

There are no other agreements, written or oral, express or implied, between the Parties concerning the subject matter of this investigation. Entry of the requested Consent Order will fully resolve the dispute between the Parties with respect to the relief sought by Complainants from the Commission as to Sunwood in the above-captioned Investigation.

JOINT MOTION FOR TERMINATION OF THE INVESTIGATION
AS TO RESPONDENT SUNWOOD BASED ON A CONSENT ORDER
337-TA-1143

For the reasons set forth above and more fully in the accompanying Memorandum of Points and Authorities, Complainants and Sunwood respectfully request the Administrative Law Judge grant this motion, issue an initial determination terminating Sunwood from this Investigation and enter the attached [Proposed] Consent Order. Complainants and Sunwood also request that the Administrative Law Judge issue a stay of all procedural deadlines for all parties beginning with any deadlines on the procedural schedule today and continuing until the Commission has definitively ruled on termination of Sunwood, the last remaining Respondent, from this proceeding and, thus, termination of this investigation.

Respectfully submitted,

DICKINSON WRIGHT PLLC

By: /s/ H. Jonathan Redway

H. Jonathan Redway

Stanislav Torgovitsky

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d/b/a BAK Industries

JOINT MOTION FOR TERMINATION OF THE INVESTIGATION
AS TO RESPONDENT SUNWOOD BASED ON A CONSENT ORDER
337-TA-1143

/s/ Lyle B. Vander Schaaf

Lyle B. Vander Schaaf

Fei Hu

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*Counsel for Respondent Sunwood
Industries Co., Ltd.*

Dated: May 30, 2019

JOINT MOTION FOR TERMINATION OF THE INVESTIGATION
AS TO RESPONDENT SUNWOOD BASED ON A CONSENT ORDER
337-TA-1143

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC

In the Matter of

CERTAIN PICKUP TRUCK FOLDING BED
COVER SYSTEMS AND COMPONENTS
THEREOF

Investigation No. 337-TA-1143

**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT
OF JOINT MOTION FOR TERMINATION OF THE INVESTIGATION
AS TO RESPONDENT SUNWOOD INDUSTRIES CO., LTD.
BASED ON A CONSENT ORDER AND TO STAY PROCEEDINGS IN PART**

Pursuant to Commission Rule 210.21(c), Complainant Extang Corporation and Complainant Laurmark Enterprises, Inc. d/b/a BAK Industries (collectively “Complainants”) and Respondent Sunwood Industries Co., Ltd. (the correct legal name: Changzhou Sunwood International Trading Co., Ltd. (hereinafter “Sunwood”)) submit this memorandum in support of their Joint Motion for Termination of the Investigation as to Respondent Sunwood based on a Consent Order and to stay all deadlines on the procedural schedule with respect to or relating to Sunwood or Complainants. Commission Rule 210.21(a)(2) provides that any party may move at any the time to terminate an investigation in whole or in part based on a consent order. Complainants and Sunwood (collectively, the “Parties”) jointly seek to terminate this investigation as to Sunwood without additional expense, risk, or disruption. Sunwood agrees to enter into a Consent Order Stipulation and to the entry of a Consent Order, which are attached hereto at Exhibits A and B.

JOINT MOTION FOR TERMINATION OF THE INVESTIGATION
AS TO RESPONDENT SUNWOOD BASED ON A CONSENT ORDER
337-TA-1143

Entry of the requested Consent Order resolves the entire dispute asserted in this Investigation as between Complainants and Sunwood and is in the public's interest and the interest of administrative economy. Typically, the public interest and Commission policy favor agreements terminating investigations, as they preserve resources for both the Commission and the private parties and termination based on consent order stipulations is routinely granted. *See, e.g., Certain Height-Adjustable Desk Platforms and Components Thereof*, Inv. No. 337-TA-1125, Order No. 13 at 4 (Sept. 24, 2018) (termination based on a consent order "in the public interest, which favors settlement to avoid needless litigation and to conserve public resources"); *Certain Air Mattress Bed Systems and Components Thereof*, Inv. No. 337-TA-999, Order No. 9 at 4 (Nov. 18, 2016) (resolving the litigation through the proposed consent order results in "significant public interest benefits"). In fact, the Commission already has terminated several respondents from this Investigation based on consent orders. The only other respondent has already been held in default. *See* Order No. 23 (Initial Determination Finding Respondent Ningbo in Default) (May 3, 2019).

When ruling on a motion to terminate based on a proposed consent order, the Commission must also consider the effect upon the public health and welfare, competitive conditions in the U.S. economy, products of like or directly competitive articles in the United States, and U.S. consumers. 19 C.F.R. § 210.21(c)(2)(ii). None of these factors will be adversely affected by termination. On the contrary, as discussed, termination here is in the public's interest as it promotes administrative economy and it will not impose an undue burden on the public health and welfare, competitive conditions in the U.S. economy, production of like or directly competitive articles in the United States, or U.S. consumers. In such circumstances, termination is generally

JOINT MOTION FOR TERMINATION OF THE INVESTIGATION
AS TO RESPONDENT SUNWOOD BASED ON A CONSENT ORDER
337-TA-1143

granted. *See, e.g., Certain Digital Televisions & Components Thereof*, Inv. No. 337-TA-742, Order No. 7 (Jan. 28, 2011); *Certain Carburetors and Products Containing Such Carburetors*, Inv. No. 337-TA-1123, Order No. 22 at 4.

Complainants and Sunwood also request that the Administrative Law Judge issue a stay of all procedural deadlines for all parties beginning with any deadlines on the procedural schedule today until the Commission has definitively ruled on termination of Sunwood, the last remaining Respondent, from this proceeding and, thus, termination of this investigation. There is a high likelihood that Sunwood will be terminated from the proceeding and, therefore, it promotes judicial economy and preserves the resources of Sunwood, Complainants and Staff to not be required to continue to litigate this case while awaiting a decision on whether Sunwood will officially be terminated from this proceeding. Therefore, good cause exists to stay all deadlines in the procedural schedule .

Based on the foregoing, the Parties respectfully request that the Administrative Law Judge grant the motion, issue an Initial Determination terminating this Investigation as to Sunwood, stay the proceeding and enter the attached [Proposed] Consent Order.

JOINT MOTION FOR TERMINATION OF THE INVESTIGATION
AS TO RESPONDENT SUNWOOD BASED ON A CONSENT ORDER
337-TA-1143

Respectfully submitted,

DICKINSON WRIGHT PLLC

By: /s/ H. Jonathan Redway

H. Jonathan Redway

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*Counsel for Respondent Sunwood
Industries Co., Ltd.*

Dated: May 30, 2019

JOINT MOTION FOR TERMINATION OF THE INVESTIGATION
AS TO RESPONDENT SUNWOOD BASED ON A CONSENT ORDER
337-TA-1143

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **JOINT MOTION FOR TERMINATION OF THE INVESTIGATION AS TO RESPONDENT SUNWOOD INDUSTRIES CO., LTD. BASED ON A CONSENT ORDER** was served on the below as indicated this 30th day of May 2019.

| | |
|---|---|
| The Honorable Cameron Elliot Administrative Law Judge U.S. International Trade Commission 500 E Street, S.W., Room 317 Washington, D.C. 20436 | <input checked="" type="checkbox"/> Via EDIS |
| Michael Turner Attorney Advisor Office of Unfair Import Investigations U.S. INTERNATIONAL TRADE COMMISSION 500 E Street, S.W. Washington, D.C. 20436 Michael.Turner@usitc.gov | <input checked="" type="checkbox"/> Via Electronic Mail |
| Vu Bui, Esq. Investigative Attorney (Lead) Office of Unfair Import Investigations U.S. INTERNATIONAL TRADE COMMISSION 500 E Street, S.W. Washington, D.C. 20436 Vu.Bui@usitc.gov | <input checked="" type="checkbox"/> Via Electronic Mail |
| Sarah Sladic, Esq. Investigative Attorney Office of Unfair Import Investigations U.S. INTERNATIONAL TRADE COMMISSION 500 E Street, S.W. Washington, D.C. 20436 | <input checked="" type="checkbox"/> Via Electronic Mail |

JOINT MOTION FOR TERMINATION OF THE INVESTIGATION
AS TO RESPONDENT SUNWOOD BASED ON A CONSENT ORDER
337-TA-1143

| | |
|--|---|
| Sarah.Sladic@usitc.gov | |
| RESPONDENTS | |
| Counsel for Sunwood Industries Co., Ltd. Lyle B. Vander Schaaf BRINKS GILSON & LIONE 1775 Pennsylvania Avenue, NW Suite 900 Washington, DC 20006 sunwood1143@brinksgilson.com | <input checked="" type="checkbox"/> Via Electronic Mail |
| | |

/s/ H. Jonathan Redway
H. Jonathan Redway
DICKINSON WRIGHT PLLC

DC 74735-328 454930v10

JOINT MOTION FOR TERMINATION OF THE INVESTIGATION
AS TO RESPONDENT SUNWOOD BASED ON A CONSENT ORDER
337-TA-1143

EXHIBIT A

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC**

**Before the Honorable Cameron Elliot
Administrative Law Judge**

In the Matter of
CERTAIN PICKUP TRUCK FOLDING
BED COVER SYSTEMS AND
COMPONENTS THEREOF

Investigation No. 337-TA-1143

**CONSENT ORDER STIPULATION BY RESPONDENT SUNWOOD
INDUSTRIES CO., LTD.**

WHEREAS Complainants Extang Corporation (“Extang”) and Laurmark Enterprises, Inc. d/b/a BAK Industries (“BAK”) (“Extang” and “BAK,” collectively, “Complainants”) filed a Complaint on December 7, 2018, which was amended by letter on February 1, 2019, alleging a violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337) (“Section 337”), based upon, among other things, the alleged importation into the United States, sale for importation, or sale within the United States after importation of certain pickup truck folding bed cover systems and components thereof that allegedly infringe claim 18 of the U.S. Patent No. 8,182,021 (“the ‘021 Patent” or “the Asserted Patent”);

WHEREAS the United States International Trade Commission (“Commission” or “ITC”) instituted this investigation under section 337 of the Tariff Act of 1930 as amended (19 U.S.C. § 1337) based upon the allegations contained in the Complaint filed by Complainants on February 15, 2019 (84 Fed. Reg. 4534) (the “Investigation”);

WHEREAS, the Complaint alleges that Respondent Sunwood Industries Co., Ltd. (the correct legal name: Changzhou Sunwood International Trading Co., Ltd. (hereinafter

CONSENT ORDER STIPULATION BY SUNWOOD
337-TA-1143

"Sunwood")), imports into the United States, sells for importation, and/or sells after importation into the United States certain pickup truck folding bed cover systems and components thereof that infringe at least claim 18 of the '021 Patent (collectively the "Subject Articles");

WHEREAS, Sunwood acknowledges and admits that the Subject Articles include all of Sunwood's existing and future pickup truck hard folding bed covers (e.g., solid tri-fold, solid-quad-fold, with or without rails) except as expressly set forth immediately below;

WHEREAS, Complainants do not allege as part of this Investigation that Sunwood Physical Exhibit 1 (Bates No. SUN 000872) produced to Complainants in response to Complainants' First Requests for Production of Documents having Sunwood 5-digit, 6-digit, 7-digit or 8-digit internal model number starting with "243" infringes claim 18 of the '021 Patent (hereinafter "Non-Subject Articles");

WHEREAS, Sunwood acknowledges and agrees that Complainants fully reserve all legal rights to assert in the future that any Non-Subject Articles infringe claim 18 (or any other claim) of the '021 Patent as well as any other patent or other intellectual property right;

WHEREAS, in order to terminate this Investigation as to Sunwood and to avoid the associated costs and burdens of litigation, Sunwood is entering into this Consent Order Stipulation and agrees to entry of a Consent Order by the Commission in compliance with Rule 210.21(c) in the form attached hereto as Exhibit A,

NOW, THEREFORE, pursuant to Commission Rule 210.21(c)(1)(ii) and (c)(3)(i), Sunwood stipulates and agrees as follows in connection with this Joint Motion to Terminate the Investigation as to Respondent Sunwood based on a Consent Order:

1. Complainant Extang is a corporation organized under the laws of the State of Michigan, having a principal place of business at 5400 S. State Road, Ann Arbor Michigan 48108, USA.

2. Complainant BAK is a corporation organized under the laws of the State of Texas, having a principal place of business as 5400 Data Court Ann Arbor, Michigan 48108, USA.

3. Respondent Sunwood is a company organized under the laws of China having a principal place of business at 21 Fl, Xinhui Tower, 301 Tongjiang Avenue, Changzhou, Jiangsu Province, China, 213022.

4. Complainants assert at least claim 18 of the '021 Patent against the Subject Articles.

5. Complainants do not assert claim 18 of the '021 Patent against the Non-Subject Articles in this investigation but fully reserve all rights as set forth above and, accordingly, this Consent Order Stipulation does not cover such Non-Subject Articles.

5. The Commission has subject matter jurisdiction over this Investigation. Sunwood admits that the Commission has *in rem* jurisdiction over the subject of the Complaint and *in personam* jurisdiction over Sunwood for purposes of this Stipulation and Consent Order.

6. Sunwood, including its officers, directors, employees, and agents, agrees that, upon entry of the Consent Order, Sunwood shall not sell for importation, import into the United States, or sell in the United States after importation, and shall not knowingly aid, abet, encourage, participate in, or induce the distribution, sale for importation, importation into the United States, or sale in the United States after importation the Subject Articles except under consent, a license

from Complainants, their successors or assignees, or to the extent permitted by any settlement agreement between Complainants and Sunwood.

7. Upon entry of the Consent Order, Sunwood shall not sell within the United States or otherwise transfer (except for exportation) any inventory of imported Subject Articles within the United States.

8. Sunwood expressly waives all rights to seek judicial review or otherwise challenge or contest the validity of the Consent Order.

9. Sunwood shall cooperate with and shall not seek to impede by litigation or other means the Commission's effort to gather information under Subpart I of the Commission's Rules of Practice and Procedure, 19 C.F.R. Part 210.

10. The enforcement, modification, and revocation of the Consent Order will be carried out pursuant to Subpart I of the Commission's Rules of Practice and Procedure, 19 C.F.R. Part 210, which are incorporated by reference herein.

11. The signing of this Consent Order Stipulation is for settlement purposes only to resolve this investigation and does not constitute any admission by Sunwood that an unfair act has been committed.

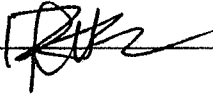
12. The Consent Order shall have the same force and effect and may be enforced, modified, or revoked in the same manner as is provided in Section 337 of the Tariff Act of 1930 and Part 210, Title 19 of the Code of Federal Regulations for the Commission actions, and the Commission may require periodic compliance reports pursuant to Subpart I of Part 210, Title 19 Code Federal Regulations to be submitted by Sunwood.

13. The Consent Order shall become null and void as to the asserted claim of the Asserted Patent that is expired or is held invalid or unenforceable by a court or agency of competent jurisdiction or any article that is found or adjudicated not to infringe the asserted right in a final decision, no longer subject to appeal.

14. Sunwood shall not seek to challenge the validity of claim 18 of the '021 Patent in any administrative or judicial proceeding to enforce the Consent Order.

IT IS SO STIPULATED.

CHANGZHOU SUNWOOD INTERNATIONAL TRADING CO., LTD.

By: Hang Shi 
Title: President
Dated: May 30, 2019

DC 74735-328 452998v9

CONSENT ORDER STIPULA
337-TA-1143

EXHIBIT B

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC

Before the Honorable Cameron Elliot
Administrative Law Judge

| |
|---|
| In the Matter of CERTAIN PICKUP TRUCK FOLDING BED COVER SYSTEMS AND COMPONENTS THEREOF |
|---|

Investigation No. 337-TA-1143

**[PROPOSED] CONSENT ORDER BY RESPONDENT SUNWOOD
INDUSTRIES CO., LTD.**

On December 7, 2018, Complainants Extang Corporation (“Extang”) and Laurmark Enterprises, Inc. d/b/a BAK Industries (“BAK”) (“Extang” and “BAK,” collectively, “Complainants”) filed a Complaint, which was amended by letter on February 1, 2019, against Respondent Sunwood Industries Co., Ltd. (the correct legal name: Changzhou Sunwood International Trading Co., Ltd. (hereinafter “Sunwood”) alleging a violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337) (“Section 337”). The Complainant alleges violation of Section 337 based upon, *inter alia*, the importation into the United States, sale for importation, or sale within the United States after importation of certain pickup truck folding bed cover systems and components thereof that allegedly infringe at least claim 18 of the U.S. Patent No. 8,182,021 (“the ‘021 Patent” or “the Asserted Patent”).

The United States International Trade Commission (“Commission” or “ITC”) instituted this investigation under section 337 of the Tariff Act of 1930 as amended (19 U.S.C. § 1337) based upon the allegations contained in the Complaint filed by Complainants on February 15, 2019 (84 Fed. Reg. 4534) (the “Investigation”).

[PROPOSED] CONSENT ORDER BY SUNWOOD
337-TA-1143

In this investigation, Complainants accuse of infringement of at least claim 18 of the '021 Patent certain pickup truck folding bed cover systems and components thereof, which Sunwood acknowledges and admits includes all of Sunwood's pickup truck hard folding bed covers (e.g., solid tri-fold, solid quad-fold, with or without rails) except the Non-subject Articles set forth immediately below ("Subject Articles). Complainants do not at this time assert claim 18 of the '021 Patent against Physical Exhibit 1 (Bates No. SUN 000872) produced to Complainants in response to Complainants' First Request for Production of Documents having Sunwood 8-digit internal model number starting with "243" ("Non-Subject Articles") but reserve all rights set forth in the Consent Order Stipulation by Respondent Sunwood. Accordingly, this Consent Order covers all Subject Articles but does not cover Non-Subject Articles.

Sunwood has executed a Consent Order Stipulation in which it agrees to the entry of this Consent Order and to all waivers and other provisions as required by the Commission's Rules of Practice and Procedure 210.21(c) (19 C.F.R. § 210.21(c)(3)). Complainants and Sunwood have filed a Motion for Termination of this Investigation as to Respondent Sunwood based on the Consent Order Stipulation. Based on the Consent Order Stipulation:

IT IS HEREBY ORDERED THAT:

1. Complainant Extang is a corporation organized under the laws of the State of Michigan, having a principal place of business at 5400 S. State Road, Ann Arbor Michigan 48108, USA.
2. Complainant BAK is a corporation organized under the laws of the State of Texas, having a principal place of business as 5400 Data Court Ann Arbor, Michigan 48108, USA.

3. Respondent Sunwood is a company organized under the laws of China having a principal place of business at 21 Fl, Xinhui Tower, 301 Tongjiang Avenue, Changzhou, Jiangsu Province, China, 213022.

4. The Complaint alleges that Respondent Sunwood imports into the United States, sells for importation, and/or sells within the United States after importation its Accused pickup truck folding bed cover systems and components thereof that infringe at least claim 18 of the '021 Patent including all Sunwood hard folding pickup truck cargo box covers (previously identified as the Subject Articles). Complainants do not accuse Physical Exhibit 1 (Bates No. SUN 000872) produced to Complainants in response to Complainants' First Request for Production of Documents having Sunwood 5-digit, 6-digit, 7-digit or 8-digit internal model number starting with "243" (previously identified as Non-Subject Articles) in this investigation and, accordingly, this Consent Order does not cover such product.

5. Sunwood admits that the Commission has *in rem* jurisdiction over the subject of the Complaint, *in personam* jurisdiction over Sunwood, and subject matter jurisdiction over this Investigation.

6. Effective upon entry of this Consent Order, Sunwood shall not sell for importation, import into the United States, or sell in the United States after importation the Subject Articles, directly or indirectly, and shall not aid, abet, encourage, participate in, or induce the sale for importation, importation into the United States, or sale in the United States after importation of the Subject Articles except under consent, a license from Complainants, their successors or assignees, or to the extent permitted by any settlement agreement between Complainants and Sunwood.

7. Effective upon entry of this Consent Order, Sunwood shall not sell within the United States or otherwise transfer (except for exportation) any United States inventory of imported Subject Articles.

8. Effective upon entry of this Consent Order, Sunwood shall cease and desist from importing into the United States and distributing the Subject Articles.

9. Sunwood shall be precluded from seeking judicial review or otherwise challenging or contesting the validity of this Consent Order.

10. Sunwood shall cooperate with and shall not seek to impede by litigation or other means the Commission's efforts to gather information under Subpart 1 of Part 210, Title 19 of the Code of Federal Regulations.

11. Sunwood and its officers, directors, employees, agents, and any entity or individual acting on its behalf and with its authority shall not seek to challenge the validity or enforceability of any of the asserted claims of any Asserted Patent in any administrative or judicial proceeding to enforce the Consent Order.

12. Upon expiration of the Asserted '021 Patent, the Consent Order shall become null and void as to that expired patent.

13. If the asserted claim of the '021 Patent is held invalid or unenforceable by a court or agency of competent jurisdiction or if any article has been found or adjudicated not to infringe the asserted right in a final decision, no longer subject to appeal, this Consent Order shall become null and void as to the invalid or unenforceable claim or adjudicated article.

14. Sunwood admits that the Commission has *in rem* jurisdiction over the Subject Articles, *in personam* jurisdiction over Sunwood, and subject matter jurisdiction over this Investigation.

15. This Investigation is hereby terminated with respect to Sunwood; provided, however, that enforcement, modification, or revocation of the Consent Order shall be carried out pursuant to Subpart I of the Commission's Rules of Practice and Procedure, 19 C.F.R. Part 210.

BY ORDER OF THE COMMISSION:

Date: _____

Lisa R. Barton, Secretary
U.S. International Trade Commission

DC 74735-328 453031v9

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC

Before the Honorable Cameron Elliot
Administrative Law Judge

In the Matter of

CERTAIN PICKUP TRUCK FOLDING BED
COVER SYSTEMS AND COMPONENTS
THEREOF

Investigation No. 337-TA-1143

**MOTION AND MEMORANDUM IN SUPPORT TO SUPPLEMENT THE JOINT
MOTION FOR TERMINATION OF THE INVESTIGATION AS TO RESPONDENT
SUNWOOD INDUSTRIES CO., LTD. BASED ON A CONSENT ORDER AND TO STAY
PROCEEDINGS IN PART**

Ground Rule 3.2 Certification

Complainant Extang Corporation and Complainant Laurmark Enterprises, Inc. d/b/a BAK Industries (collectively “Complainants”) contacted the Commission Investigative Attorneys (“Staff”) and Respondent Sunwood Industries Co., Ltd. regarding the subject matter of this motion. Staff and Sunwood advised that they do not oppose the motion to supplement. Staff agreed to waive the Ground Rule 3.2 two-day notice required.

Grounds for Motion and Memorandum

On February 15, 2019, the Commission instituted this Investigation. 84 Fed. Reg. 4534. On May 30, 2019, pursuant to Commission Rules 210.21(c), Complainants and Respondent Sunwood Industries Co., Ltd. (the correct legal name: Changzhou Sunwood International Trading Co., Ltd. (hereinafter “Sunwood”)) (collectively, the “Parties”) jointly moved to terminate the above-captioned Investigation as to Sunwood based upon the Consent Order Stipulation and [Proposed] Consent Order (attached as Exhibits B and A, respectively) and to stay all deadlines in
MOTION TO SUPPLEMENT MOTION TO TERMINATE SUNWOOD
337-TA-1143

the proceeding. The Parties requested entry of a Consent Order based on the Consent Order Stipulation submitted contemporaneously therewith, which contained the admissions, waivers and other statements required by Commission Rule 210.21(c)(3).

Thereafter, on Monday, June 3, 2019, the Staff requested that the Joint Motion to Terminate the Investigation with respect to Respondent Sunwood be supplemented to include photographs of Sunwood Physical Exhibit 1. Attached hereto is the declaration of Jonathan Redway attesting to certain true and correct photographs of Sunwood Physical Exhibit 1.

Accordingly, Complainants hereby move to supplement the Motion to Terminate the above-captioned Investigation to include reference to the photographs attached to the declaration of Jonathan Redway that depict Physical Exhibit 1.

Respectfully submitted,

DICKINSON WRIGHT PLLC

By: /s/ H. Jonathan Redway

H. Jonathan Redway

Stanislav Torgovitsky

Jomy Methipara

Chelsea Smialek

DICKINSON WRIGHT PLLC

1825 Eye Street, N.W., Suite 900

Washington, D.C. 20006

Tel.: (202) 659-6946

Fax: (844) 670-60009

E-mail: ExtangBAK337@dickinson-wright.com

*Attorneys for Extang Corporation and
Laurmark Enterprises, Inc.
d/b/a BAK Industries*

Dated: June 7, 2019

MOTION TO SUPPLEMENT MOTION TO TERMINATE SUNWOOD
337-TA-1143

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing **MOTION AND MEMORANDUM IN SUPPORT TO SUPPLEMENT THE JOINT MOTION FOR TERMINATION OF THE INVESTIGATION AS TO RESPONDENT SUNWOOD INDUSTRIES CO., LTD. BASED ON A CONSENT ORDER AND TO STAY PROCEEDINGS IN PART** was served on the below as indicated this 10th day of June 2019.

| | |
|--|---|
| The Honorable Cameron Elliot Administrative Law Judge U.S. International Trade Commission 500 E Street, S.W., Room 317 Washington, D.C. 20436 | <input checked="" type="checkbox"/> Via EDIS |
| Michael Turner Attorney Advisor Office of Unfair Import Investigations U.S. INTERNATIONAL TRADE COMMISSION 500 E Street, S.W. Washington, D.C. 20436 Michael.Turner@usitc.gov | <input checked="" type="checkbox"/> Via Electronic Mail |
| Vu Bui, Esq. Investigative Attorney (Lead) Office of Unfair Import Investigations U.S. INTERNATIONAL TRADE COMMISSION 500 E Street, S.W. Washington, D.C. 20436 Vu.Bui@usitc.gov | <input checked="" type="checkbox"/> Via Electronic Mail |
| Sarah Sladic, Esq. Investigative Attorney Office of Unfair Import Investigations U.S. INTERNATIONAL TRADE COMMISSION 500 E Street, S.W. Washington, D.C. 20436 Sarah.Sladic@usitc.gov | <input checked="" type="checkbox"/> Via Electronic Mail |

MOTION TO SUPPLEMENT MOTION TO TERMINATE SUNWOOD
337-TA-1143

RESPONDENTS

| | |
|--|---|
| Counsel for Sunwood Industries Co., Ltd. Lyle B. Vander Schaaf BRINKS GILSON & LIONE 1775 Pennsylvania Avenue, NW Suite 900 Washington, DC 20006 sunwood1143@brinksgilson.com | <input checked="" type="checkbox"/> Via Electronic Mail |
|--|---|

/s/ H. Jonathan Redway
H. Jonathan Redway
DICKINSON WRIGHT PLLC

DC 74735-328 458619v1

MOTION TO SUPPLEMENT MOTION TO TERMINATE SUNWOOD
337-TA-1143

Exhibit 1

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC

In the Matter of

**CERTAIN PICKUP TRUCK FOLDING BED
COVER SYSTEMS AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1143

DECLARATION OF H. JONATHAN REDWAY

I, H. Jonathan Redway, hereby declare as follows:

1. I am a member of Dickinson Wright, PLLC (“Dickinson Wright”). I am over the age of eighteen (18). I am competent to make this Declaration. I have personal knowledge of the facts stated herein. I am able to testify to such facts under oath if called to do so.

2. I submit this Declaration in support of Complainant Extang Corporation and Complainant Laurmark Enterprises, Inc. d/b/a BAK Industries’ (collectively “Complainants”) Motion to Supplement the Joint Motion for Termination of the Investigation as to Respondent Sunwood Industries, Co., Ltd. Based on a Consent Order and to Stay Proceedings in Part.

3. The below photographs are true and correct images of Physical Exhibit 1 (Bates No. SUN 000872).

[CBI]

[CBI]

[CBI]

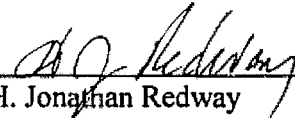
[CBI]

[CBI]

[CBI]

[CBI]

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 7th day of June 2019.



H. Jonathan Redway

DC 74735-328 458629v1

**CERTAIN PICKUP TRUCK FOLDING BED COVER
SYSTEMS AND COMPONENTS THEREOF**

INV. NO. 337-TA-1143

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **INITIAL DETERMINATION ORDER NO. 27** has been served by hand upon the Commission Investigative Attorney, **Vu Bui, Esq.**, and the following parties as indicated JUL 03 2019.



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

FOR COMPLAINANTS EXTANG CORPORATION & LAURMARK ENTERPRISES, INC.

H. Jonathan Redway, Esq.
DICKINSON WRIGHT PLLC
International Square
1825 Eye Street, NW Suite 900
Washington, DC 20006

- Via Hand Delivery
 Express Delivery
 Via First Class Mail
 Other: _____

FOR RESPONDENT SUNWOOD INDUSTRIES CO., LTD.

Lyle B. Vander Schaaf, Esq.
BRINKS GILSON & LIONE
1775 Pennsylvania Avenue, N.W, Suite 900
Washington, DC 20019

- Via Hand Delivery
 Express Delivery
 Via First Class Mail
 Other: _____