

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN HAND DRYERS AND HOUSINGS
FOR HAND DRYERS**

Investigation No. 337-TA-1015

**NOTICE OF COMMISSION DECISION NOT TO REVIEW
AN INITIAL DETERMINATION FINDING TWO RESPONDENTS IN DEFAULT**

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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 21), finding Penson & Co. of Shanghai, China ("Penson") and Taizhou Dihour Electrical Appliances Co., Ltd., a/k/a Dihour, of Wenling City, China ("Taizhou") in default in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on August 1, 2016, based on a supplemented complaint filed by Excel Dryer, Inc. of East Longmeadow, Massachusetts ("Excel"). 81 *Fed. Reg.* 50549 (Aug. 1, 2016). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), in the importation into the United States, or in the sale of certain hand dryers and housings for hand dryers by reason of trade dress infringement, the threat or effect of which is to destroy or substantially injure an industry in the United States. *Id.* at 50550. The notice of investigation named twelve respondents including Penson and Taizhou. *Id.* The Office of Unfair Import

Investigations was also named as a party. The Commission served the complaint and notice of investigation on all respondents on July 26, 2016. Penson and Taizhou failed to respond to the complaint and notice.

On September 26, 2016, Excel filed a motion for an order, inter alia, directing Penson and Taizhou to show cause why they should not be found in default based upon their failure to respond to the complaint and notice of investigation. *See* 19 C.F.R. § 210.16(a)(1). On October 6, 2016, the investigative attorney (“IA”) responded in support of the motion. The IA confirmed that the complaint and notice of investigation were successfully served on Penson and Taizhou. On October 18, 2016, the ALJ issued Order No. 20, granting the motion in relevant part, and ordering Penson and Taizhou to show cause by October 25, 2016, why they should not be found in default for failing to respond to the complaint and notice of investigation. Penson and Taizhou did not respond to the order to show cause, and, on October 31, 2016, the ALJ issued the subject ID (Order No. 21), finding Penson and Taizhou in default.

No petitions for review of the ID were filed. The Commission has determined not to review the ID. Accordingly, Penson and Taizhou have been found to be in default.

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', is centered on the page.

Lisa R. Barton
Secretary to the Commission

Issued: November 28, 2016