

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C. 20436**

**In the Matter of**

**CERTAIN SPA COVER LIFT FRAMES**

**Investigation No. 337-TA-639**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN  
INITIAL DETERMINATION TERMINATING FIVE RESPONDENTS  
ON THE BASIS OF A CONSENT ORDER STIPULATION  
AND CONSENT ORDER; ISSUANCE OF CONSENT ORDER**

**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”) of the presiding administrative law judge (“ALJ”) in the above-captioned investigation terminating five respondents on the basis of a consent order stipulation and consent order.

**FOR FURTHER INFORMATION CONTACT:** Michael K. Haldenstein, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2301. 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 <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://edis.usitc.gov>. 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:** This investigation was instituted on March 24, 2008, based on a complaint filed by Leisure Concepts, Inc. (“Leisure Concepts”) of Spokane, Washington. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain spa cover lift frames that infringe the claims of U.S. Patent No. 5,996,137. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337. The complainant requests that the Commission issue an exclusion order and cease and desist orders barring future importation and

sale of the accused products. The Commission named the following companies as respondents: Pool Mart, Inc. of Depew New York; Islander Pool and Spas, Inc. of Albany, New York; Glaser Enterprises, Inc. of Virginia Beach, Virginia; ACE Swim Service of Chili, Inc. of Rochester, New York; SPARCO, Ltd. a/k/a SPARCO Buying Group of Albany, New York; and Kokido, Ltd. of Kowloon, Hong Kong. The ALJ set June 24, 2009, as the target date for completion of the investigation.

On May 5, 2008, the five domestic respondents referenced above filed a joint motion seeking to terminate the investigation as to themselves based upon a consent order stipulation and proposed consent order. Complainant opposed the motion; the Commission investigative attorney supported the motion.

The ALJ issued the subject ID (Order No. 6) on May 22, 2008, terminating the investigation with respect to five respondents on the basis of a consent order stipulation and proposed consent order. No petitions for review of the ID were filed. The Commission has determined not to review the ID and to issue the proposed consent order.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, and Commission rules 210.21, 210.42, 19 C.F.R. §§ 210.21, 210.42.

By order of the Commission.

/s/

Marilyn R. Abbott  
Secretary to the Commission

Issued: June 13, 2008