

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 TWO INITIAL
DETERMINATIONS, EACH TERMINATING THE INVESTIGATION
AS TO ONE RESPONDENT ON THE BASIS OF A CONSENT
ORDER STIPULATION AND PROPOSED CONSENT
ORDER; ISSUANCE OF CONSENT ORDERS**

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 determinations ("IDs") (Order Nos. 18-19), each of which terminated the investigation as to one respondent on the basis of a consent order stipulation and proposed consent order. The Commission has issued consent orders.

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 Toolsempire and FactoryDirectSale, both of Ontario, California. *Id.*

On September 6, 2016, Toolsempire and Excel filed a joint motion to terminate the investigation as to Toolsempire based upon a consent order stipulation and entry of a consent order. *See* 19 C.F.R. § 210.21(c). That same day, FactoryDirectSale and Excel filed a joint motion to terminate the investigation as to FactoryDirectSale based upon a consent order stipulation and entry of a consent order. The Commission investigative attorney responded in support of both motions, contingent upon movants correcting an error in each of the proposed consent orders. On October 5, 2016, corrected motions to terminate were filed, each of which included a corrected proposed consent order.

On October 11, 2016, the ALJ granted the corrected motions in the subject IDs. Order No. 18 (Toolsempire); Order No. 19 (FactoryDirectSale). The ALJ found that the consent order stipulations and proposed consent orders comply with Commission rules, 19 C.F.R. § 210.21(c)(3)-(c)(4). Order No. 18 at 1-3; Order No. 19 at 1-3. The ALJ further found that granting the motions would not adversely affect the public interest, *see* 19 C.F.R. § 210.50(b)(2). Order No. 18 at 3-4; Order No. 19 at 3-4.

No petitions for review of the IDs were filed. The Commission has determined not to review the IDs and has issued the consent orders as to Toolsempire and FactoryDirectSale.

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: November 14, 2016