

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN CARBURETORS AND
PRODUCTS CONTAINING SUCH
CARBURETORS**

Investigation No. 337-TA-1123

**NOTICE OF COMMISSION DECISION TO EXTEND THE
DEADLINE FOR DETERMINING WHETHER TO REVIEW AN
INITIAL DETERMINATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend the deadline for determining whether to review an initial determination (“ID”) (Order No. 77) of the presiding administrative law judge (“ALJ”), by fifteen (15) days to October 11, 2019.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-3228. 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, DC 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 July 20, 2018, based on a complaint filed by Walbro, LLC (“Walbro”) of Tucson, Arizona. 83 *Fed. Reg.* 34614-615 (July 20, 2018). The complaint, as supplemented, alleges violations 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, the sale for importation, and the sale within the United States after importation of certain carburetors and products containing such carburetors by reason of infringement of one or more claims of U.S. Patent Nos. 6,394,424; 6,439,547; 6,533,254; 7,070,173; and 6,540,212 (“the ’212 patent”). *Id.* The complaint also alleges that an industry in the United States exists as required by 19 U.S.C. 1337(a)(2). 83 *Fed. Reg.* 34614-615. The

notice of investigation names numerous respondents. *Id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *Id.*

The Commission previously terminated the ’212 patent from the investigation. Order No. 72 (Aug. 5, 2019), *not reviewed*, Notice (Aug. 22, 2019).

On June 25, 2019, respondents Amazon.com, Inc., Lowe’s Companies, Inc., Menard, Inc., Techtronic Industries Co. Ltd., The Home Depot, Inc., Tractor Supply Company, Walmart, Inc., and Zhejiang Ruixing Carburetor Manufacturing Co., Ltd. (collectively, “Motion Respondents”), as well as Cabela’s LLC and Thunderbay Products, filed a motion for summary determination that Walbro failed to satisfy the economic prong of the domestic industry requirement. ID at 1. On July 12, 2019, Walbro opposed the motion. *Id.* OUII did not submit a response to the motion. *Id.*

The Commission terminated Cabela’s LLC from the investigation due to settlement. Order No. 75 (Aug. 7, 2019), *not reviewed*, Notice (Aug. 22, 2019). The Commission also later terminated Thunderbay Products from the investigation based on a stipulated consent order and entry of a consent order. Order No. 65 (July 10, 2019), *not reviewed*, Notice (July 23, 2019).

On August 12, 2019, the ALJ issued the subject ID (Order No. 77) finding that Walbro has failed to satisfy the economic prong of the domestic industry requirement.

On August 22, 2019, Walbro filed a petition for review of the ID. On August 29, 2019, Motion Respondents and OUII both filed responses to Walbro’s petition for review. The current deadline for the Commission to determine whether to review the ID is September 26, 2019.

The Commission has determined to extend the deadline for determining whether to review the subject ID by fifteen (15) days to October 11, 2019.

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 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: September 26, 2019