

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 INITIAL
DETERMINATIONS TERMINATING THE INVESTIGATION AS TO TWO
RESPONDENTS BASED ON CONSENT ORDER STIPULATIONS AND CONSENT
ORDERS; 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 initial determinations (“IDs”) (Order Nos. 20, 21) of the presiding administrative law judge (“ALJ”) terminating the above-captioned investigation as to respondents Apex Auto Parts Mfg. Inc. and Syppo Marketing, Inc., both of City of Industry, California (collectively, “the consent order respondents”) based on respective consent order stipulations and consent orders. The Commission has issued the respective consent orders.

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., both of Ann Arbor, Michigan. 84 FR 4534-35. The complaint alleges violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, 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 named numerous respondents including the consent order respondents. The Office of Unfair Import Investigations ("OUII") is also a party to the investigation.

On April 12, 2019 complainants and each consent order respondent filed individual joint motions to terminate the investigation as to each consent order respondent based on a consent order stipulation. On April 24, 2019, OUII filed individual responses supporting each motion.

The ALJ issued the subject IDs (Order Nos. 20, 21) on April 26, 2019, granting the joint motions for termination as to the consent order respondents. The ALJ found that the consent order stipulations and consent orders 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), there is no indication that termination of this investigation as to each consent order respondent based on the individual consent order stipulation would adversely impact the public interest. No party petitioned for review of the IDs.

The Commission has determined not to review the subject IDs and has issued the respective consent orders.

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: May 15, 2019