

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN LUXURY VINYL TILE AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1155

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION FINDING CERTAIN 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 an initial determination (“ID”) (Order No. 32) of the presiding administrative law judge (“ALJ”) finding respondents ABK Trading Corp. of Katy, Texas; Aurora Flooring LLC of Kennesaw, Georgia; Jiangsu Divine Building Technology Development Co. Ltd. of Changzhou, China; Jiangsu Lejia Plastic Co. Ltd. of Changzhou, China; JiangSu Licheer Wood Co., Ltd. of Changzhou, China; Maxwell Flooring Distribution LLC of Houston, Texas; Mr. Hardwood Inc. of Acworth, Georgia; and Sam Houston Hardwood Inc. of Houston, Texas (collectively, “the Defaulting Respondents”) in default.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-4716. 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: On May 16, 2019, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by Mohawk Industries, Inc. of Calhoun, Georgia; Flooring Industries Ltd. Sarl of Bertrange, Luxembourg; and IVC US Inc. of Dalton, Georgia (collectively, “Complainants”). *See* 84 FR 22161 (May 16, 2019). The complaint, as supplemented, alleges a violation of 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 luxury vinyl tile and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 9,200,460; 10,208,490; and 10,233,655. *See id.* The notice of investigation (“NOI”)

names numerous respondents, including the Defaulting Respondents. *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

The complaint and NOI were served on the Defaulting Respondents on May 10, 2019. The Defaulting Respondents did not respond to the complaint and NOI. On June 27, 2019, Complainants filed a motion (“the Motion”) pursuant to Commission Rule 210.16, 19 CFR 210.16, for: (1) an order directing the Defaulting Respondents to show cause why they should not be found in default for failing to respond to the complaint and NOI; and (2) an ID finding the Defaulting Respondents in default upon their failure to show cause. On July 8, 2019, OUII filed a response in support of the Motion.

On July 25, the ALJ issued Order No. 8 requiring the Defaulting Respondents, no later than August 9, 2019 to show cause as to why they should not be found in default for failing to respond to the complaint and NOI after service was effected. The Defaulting Respondents did not respond to the order to show cause.

On October 30, 2019, the ALJ issued the subject ID (Order No. 32) finding the Defaulting Respondents in default pursuant to Commission Rule 210.16, for failure to respond to the complaint, NOI, and order to show cause (*i.e.*, Order No. 8). *See ID* at 1-2.

No petition for review of the subject ID was filed. The Commission has determined not to review the subject ID.

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: November 22, 2019