

**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 GRANTING A MOTION FOR PARTIAL TERMINATION OF THE  
INVESTIGATION AS TO CERTAIN RESPONDENTS BASED ON SETTLEMENT**

**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. 35) of the presiding administrative law judge (“ALJ”) granting a motion to terminate the investigation as to respondents Halstead New England Corp. of Norwalk, Connecticut; Aspecta North America LLC of Norwalk, Connecticut; Metroflor Corp. of Norwalk, Connecticut; Zhangjiagang Yihua Rundong New Material Co. Ltd. f/k/a Zhangjiagang Yihua Plastics Co., Ltd. of Zhangjiagang, China; Zhangjiagang Elegant Home-Tech Co. Ltd. f/k/a Zhangjiagang Elegant Plastics Co., Ltd. of Zhangjiagang, China; DeSoto Sales, Inc. of Canoga Park, California; Benchwick Construction Products Co. Ltd. of Changzhou, China; Changzhou Marco Merit International Solutions Co. of Changzhou, China; Northann Distribution Center Inc. of Sacramento, California; Zhejiang Walrus New Material Co., Ltd. of Jiaxing, China; Zhejiang Kingdom Plastic Industry Co., Ltd. of Tongxiang, China; Hangzhou Kingdom Imp. & Exp. Trading Co., Ltd. of Hangzhou, China; Pentamax Inc. of Compton, California; and Davati Group LLC. of Austin, Texas (collectively, “Settling Respondents”) based on settlement.

**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 names numerous respondents, including Settling Respondents. *See id.* The Commission previously found certain respondents in default and terminated other respondents based on settlement or entry of consent orders. The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

On November 20, 2019, Complainants filed motions to partially terminate the investigation as to the Settling Respondents (“Motions”). On December 31, 2019, and January 8, 2020, Complainants filed supplements to the Motions. On January 8, 2020, OUII filed a response in support of the Motions as supplemented.

On January 24, 2020, the ALJ issued the subject ID (Order No. 35) granting the Motions. In accordance with Commission Rule 210.21(b)(1), 19 CFR 210.21(b)(1), the Motions (as supplemented) include redacted and unredacted copies of the settlement agreements (“the Settlement Agreements”). *See* ID at 1-3. In addition, as noted in the ID, the Motions include statements that “[o]ther than [the Settlement Agreements], there are no other agreements, written or oral, express or implied, between Complainants and [Settling Respondents] concerning the subject matter of this Investigation.” *See id.* at 3-4. Furthermore, pursuant to Commission Rule 210.50(b)(2), 19 CFR 210.50(b)(2), the ID finds no evidence that terminating the investigation as to the Settling Respondents would be contrary to the public interest. *See id.* at 4. The ID also stays the procedural schedule with respect to the Settling Respondents pending Commission review of the subject ID. *See id.*

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: February 25, 2020