

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 A RESPONDENT 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. 27) of the presiding administrative law judge (“ALJ”) granting a motion to terminate the investigation as to KJ Carpet Wholesale, Inc. of Pomona, California (“KJ Carpet”) 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 KJ Carpet. *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

On September 23, 2019, Complainants filed a motion to partially terminate the investigation as to KJ Carpet. On October 3, 2019, OUII filed a response in support of the motion.

On October 9, 2019, the ALJ issued the subject ID (Order No. 27) granting the motion. In accordance with Commission Rule 210.21(b)(1), 19 CFR 210.21(b)(1), the motion includes redacted and unredacted copies of the settlement agreement. In addition, as noted in the ID, the motion includes a statement that “[o]ther than the [settlement agreement], there are no other agreements, written or oral, express or implied, between Complainants and KJ Carpet concerning the subject matter of this Investigation.” *See* ID at 2. 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 KJ Carpet would be contrary to the public interest. *See id.* at 3. The ID also stays the procedural schedule with respect to KJ Carpet 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: November 6, 2019