

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN FURNITURE PRODUCTS
FINISHED WITH DECORATIVE WOOD
GRAIN PAPER AND COMPONENTS
THEREOF**

Inv. No. 337-TA-1229

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO RESPONDENT
WALKER EDISON CO., LLC BASED ON A CONSENT ORDER**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review an initial determination (“ID”) (Order No. 8) issued by the presiding administrative law judge (“ALJ”) terminating the investigation as to respondent Walker Edison Co., LLC (“Walker Edison”) based on a consent order.

FOR FURTHER INFORMATION CONTACT: Benjamin S. Richards, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, D.C. 20436, telephone (202) 708-5453. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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 November 9, 2020, based on a complaint, as supplemented, filed by Toppan Interamerica, Inc. of McDonough, Georgia (“Complainant”). 85 FR 71355 (Nov. 9, 2020). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain furniture products finished with decorative wood grain paper and components thereof by reason of infringement of U.S. Copyright Registration No. VA 2-142-287. The complaint further alleges that an industry in the United States exists. *Id.* at 713356. The Commission’s notice of investigation named Walker Edison as the sole respondent. *Id.*

On January 21, 2021, Complainant and Walker Edison jointly moved to terminate the investigation as to Walker Edison based on the entry of a consent order. The joint motion

included a consent order stipulation executed by Walker Edison and a proposed consent order. On January 27, 2021, the presiding ALJ issued the subject ID granting the motion. No petitions for review of the ID were received.

The Commission has determined to review the subject ID in its entirety. In connection with its review, the Commission seeks responses from the parties on the following questions:

1. The consent order stipulation and proposed consent order submitted by the parties appear to lack a statement that the consent order shall become null and void as to an article found or adjudicated not to infringe the asserted intellectual property right in a final decision no longer subject to appeal, as required by Commission Rules 210.21(c)(3)(ii)(A) and 210.21(c)(4)(x). 19 C.F.R. 210.21(c)(3)(ii)(A), 210.21(c)(4)(x). Does Walker Edison stipulate to the inclusion of a statement to that effect in any consent order that the Commission may issue? Does either party object to the inclusion of a statement to that effect in any consent order that the Commission may issue?
2. Commission Rule 210.21(c)(4) provides that the “Commission will not issue consent orders with terms beyond those provided in [that] section.” 19 C.F.R. 210.21(c)(4). Paragraph five (5) of the proposed consent order submitted by the parties includes terms beyond those provided in Commission Rule 210.21(c)(4). Does either party object to the exclusion of paragraph five from any consent order that the Commission may issue?

The parties are invited to respond only to these questions.

WRITTEN SUBMISSIONS: The parties to the investigation are encouraged to file written submissions in response to the questions listed herein. Initial written submissions must be filed no later than close of business on [issuance date + 5 days]. Reply submissions must be filed no later than the close of business on [initial submission date + 5 days]. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission’s paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (March 19, 2020). Submissions should refer to the investigation number (Inv. No. 337-TA-1229) in a prominent place on the cover page and/or the first page. (*See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf*). Persons with questions regarding filing should contact the Secretary, (202) 205-2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission

is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this matter may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on February 19, 2021.

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: February 19, 2021