

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN CASUAL FOOTWEAR
AND PACKAGING THEREOF**

Investigation No. 337-TA-1270

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION PARTIALLY TERMINATING THE INVESTIGATION WITH
RESPECT TO A CERTAIN RESPONDENT BASED ON A CONSENT ORDER;
ISSUANCE OF A CONSENT ORDER**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 26) issued by the presiding chief administrative law judge (“CALJ”) partially terminating the investigation with respect to respondent Bijora, Inc. d/b/a Akira (“Akira”) based on a settlement agreement, consent order stipulation, and consent order. Akira is hereby terminated from this investigation and the consent order is issued herewith.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-2382. 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 July 9, 2021, based on a complaint filed by Crocs, Inc. of Broomfield, Colorado (“Crocs”). 86 FR 36303-304 (July 9, 2021). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“Section 337”), in the importation into the United States, sale for importation, or sale in the United States after importation of certain casual footwear and packaging thereof by reason of infringement of one of more of U.S. Trademark Registration Nos. 3,836,415; 5,149,328; and 5,273,875. *Id.* The complaint further alleges that a domestic industry exists. *Id.*

The Commission’s notice of investigation named twenty-three respondents: Akira of Chicago, Illinois; Yoki Fashion International LLC of New York, New York (“Yoki”); Dr. Leonard’s Healthcare Corp. d/b/a Carol Wright of Edison, New Jersey (“Dr. Leonard’s”); Cape Robbin Inc. of Pomona, California (“Cape Robbin”); SG Footwear Meser Grp. Inc. a/k/a Goldberg & Co. of Hackensack, New Jersey (“SG Footwear”); Skechers USA, Inc. of Manhattan

Beach, California (“Skechers”); Fujian Huayan Well Import and Export Trade Co., Ltd. of Fuzhou, Fujian Province, China (“Fujian”); Fullbeauty Brands Inc. of New York, New York (“Fullbeauty”); Legend Footwear, Inc. d/b/a Wild Diva of City of Industry, California (“Wild Diva”); Crocsky of Austin, Texas; Hawkins Footwear, Sports, Military & Dixie Store of Brunswick, Georgia; Hobibear Shoes and Clothes Ltd. of Brighton, Colorado; Hobby Lobby Stores, Inc. of Oklahoma City, Oklahoma; Ink Tee of Los Angeles, California; La Modish Boutique of West Covina, California; Loeffler Randall Inc. of New York, New York; Maxhouse Rise Ltd. of Hong Kong; PW Shoes, Inc. of Maspeth, New York; Shoe-Nami Inc. of Gretna, Louisiana; Star Bay Group Inc. of Hackensack, New Jersey; Quanzhou ZhengDe Network Corp. of Quanzhou, Fujian Province, China; 718 Closeouts of Brooklyn, New York; and Royal Deluxe Accessories, LLC of New Providence, New Jersey. The Office of Unfair Import Investigations (“OUII”) was also named as a party to this investigation.

On August 24, 2021, the Commission partially terminated the investigation with respect to Skechers based on a settlement agreement between Crocs and Skechers. Order No. 12 (Aug. 11, 2021), *unreviewed by Comm’n Notice* (Aug. 24, 2021).

On September 24, 2021, the Commission partially terminated the investigation with respect to Cape Robbin and SG Footwear based on settlement agreements, consent orders, and consent order stipulations and issued the two consent orders. Order No. 16 (Aug. 26, 2021) (SG Footwear), Order No. 17 (Aug. 16, 2021) (Cape Robbin), *unreviewed by Comm’n Notice* (Sept. 24, 2021).

On September 29, 2021, the Commission partially terminated the investigation with respect to Dr. Leonard’s based on a settlement agreement, consent order, and consent order stipulation and issued the consent order. Order No. 20 (Sept. 1, 2021), *unreviewed by Comm’n Notice* (Sept. 29, 2021).

On October 7, 2021, the Commission partially terminated the investigation with respect to Fullbeauty and Wild Diva based on a settlement agreements, consent orders, and consent order stipulations and issued two consent orders. Order No. 22 (Sept. 9, 2021) (Fullbeauty), Order No. 23 (Sept. 9, 2021) (Wild Diva), *unreviewed by Comm’n Notice* (Oct. 7, 2021).

On October 7, 2021, the Commission partially terminated the investigation with respect to Fujian based on a settlement agreement, consent order, and consent order stipulation and issued the consent order. Order No. 24 (Sept. 17, 2021), *unreviewed by Comm’n Notice* (Oct. 7, 2021).

On October 7, 2021, the Commission partially terminated the investigation with respect to Yoki based on a settlement agreement, consent order, and consent order stipulation and issued the consent order. Order No. 25 (Sept. 22, 2021), *unreviewed by Comm’n Notice* (Oct. 7, 2021)

On September 13, 2021, Crocs and Akira jointly moved to terminate the investigation with respect to Akira based on a settlement agreement, consent order stipulation, and consent

order. On September 16, 2021, OUII filed a response in support of the joint motion to terminate Akira.

On September 28, 2021, the presiding CALJ issued the subject ID (Order No. 26) granting the joint motion to terminate the investigation with respect to Akira. The subject ID finds that the parties' consent order stipulation and consent order comply with the requirements of Commission Rules 210.21(c)(3) and (4) (19 CFR 210.21(c)(3), (4)). The subject ID further finds that the settling parties have stipulated that there are no other agreements, written or oral, express or implied, in accordance with Commission Rule 210.21(b)(1) (19 CFR 210.21(b)(1)). The subject ID also finds that the parties' settlement agreement is in the public interest, as it avoids litigation, conserves public and private resources, and does not impose any undue burdens on public health and welfare, competitive conditions in the United States economy, production of like or directly competitive articles in the United States, or United States consumers.

No party filed a petition for review of the subject ID.

The Commission has determined not to review Order No. 26. Akira is hereby terminated from this investigation and the consent order to Akira is issued herewith.

The Commission vote for this determination took place on October 27, 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.



Lisa R. Barton
Secretary to the Commission

Issued: October 27, 2021