

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C.**

**In the Matter of**

**CERTAIN FOOTWEAR PRODUCTS**

**Investigation No. 337-TA-936**

**NOTICE OF A COMMISSION DECISION NOT TO REVIEW AN INITIAL  
DETERMINATION TERMINATING THE INVESTIGATION AS TO RESPONDENT  
EDAMAME KIDS, INC. FOR GOOD CAUSE AND WITHOUT PREJUDICE**

**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 (AID@) (Order No. 91) of the presiding administrative law judge (AALJ@) terminating the investigation as to respondent Edamame Kids, Inc. ("Edamame") of Alberta, Canada for good cause and without prejudice.

**FOR FURTHER INFORMATION CONTACT:** Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2310. 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, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://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:** The Commission instituted this investigation on November 17, 2014, based on a complaint filed on behalf of Converse Inc. of North Andover, Massachusetts. 79 *Fed. Reg.* 68482-83. The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by reason of infringement of certain U.S. Trademark Registration Nos.: 4,398,753; 3,258,103; and 1,588,960. The complaint further alleges violations of section 337 based upon unfair competition/false designation of origin, common law trademark infringement and unfair competition, and trademark dilution, the threat or effect of which is to destroy or substantially injure an industry in the United States. The Commission's notice of investigation named several respondents including Edamame. The

Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *Id.* The Secretary to the Commission attempted to serve Edamame with the complaint and notice of investigation on November 12, 2014 via express delivery, but was unable to complete service.

On April 3, 2015, complainant moved, pursuant to 19 C.F.R. § 210.21(a)(1), for termination of the investigation as to Edamame for good cause and without prejudice because complainant and the Commission have been unable to serve Edamame with the complaint, discovery, and other materials in the investigation. On April 14, 2015, complainant filed a supplement to its motion, pursuant to 19 C.F.R. §§ 210.21(a)(1), to affirmatively state that there are no agreements, written or oral, express or implied between complainant and Edamame concerning the subject matter of the investigation. OUII supported the motion and no other party responded.

The ALJ issued the subject ID on April 17, 2015, terminating the investigation, pursuant to Commission rule 210.21(a)(1), as to Edamame for good cause and without prejudice because complainant and the Commission has been unable to serve this respondent. The ALJ found that there is Commission precedent for terminating an investigation as to a respondent for “good cause” when complainant and the Commission are unable to serve the respondent. ID at 2-3 (citing *Certain Protective Cases & Components Thereof*, Inv. No. 337-TA-780, Order No. 23, at 2 (Dec. 23, 2011)). No party petitioned for review.

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 C.F.R. Part 210.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton  
Secretary to the Commission

Issued: May 12, 2015