

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington D.C. 20436**

In the Matter of	)	
	)	
	)	
CERTAIN AGRICULTURAL TRACTORS,	)	Inv. No. 337-TA-486
LAWN TRACTORS, RIDING LAWNMOWERS,	)	Enforcement Proceedings
AND COMPONENTS THEREOF	)	
	)	

**ORDER**

On August, 2, 2004, the complainant, now known as CNH America LLC, filed a complaint seeking enforcement of a limited exclusion order which was issued to Beiqi Foton Automobile Co., Ltd (“Futian”) on July 2, 2003, at the conclusion of Inv. 337-TA-486, *Certain Agricultural Tractors, Lawn Tractors, Riding Lawnmowers, and Components Thereof*. The complaint alleges that Futian, now known as Beiqi Foton Motor Co., Ltd., continues to export infringing tractors to the United States and has circumvented the limited exclusion order by renaming and remarking infringing tractors. The complaint also alleges that Shandong Worldbest Shantou Co., which is allegedly related to Futian, also has violated the limited exclusion order.

The Commission, having examined the complaint seeking a formal enforcement proceeding, and having found that the complaint complies with the requirements for institution of a formal enforcement proceeding contained in Commission rule 210.75, 19 C.F.R. § 210.75, determined to institute formal enforcement proceedings to determine whether Beiqi Foton Motor Co. Ltd. and Shandong are in violation of the Commission’s limited exclusion order issued in the investigation, and what if any enforcement measures are appropriate. 69 *Fed. Reg.* 67757 (Nov. 19, 2004).

The Federal Circuit recently issued a decision which affects Commission practice with

respect to enforcement proceedings. *See VastFame et al. v U.S. International Trade Commission*, 386 F.3d 1108 (Fed. Cir. 2004). In particular, the decision states that the Commission's authority to conduct enforcement proceedings is found in 19 U.S.C. § 1337(b). Under that statutory provision, the Commission must set a target date for completion of the investigation within 45 days of institution of the investigation.

Accordingly, it is hereby ORDERED THAT:

- (1) Paragraph 4 of the Commission's Order, dated November 15, 2004, in this enforcement proceeding, is hereby amended by the addition of the following language at the end of paragraph 4:  
  
"The target date for the completion of these enforcement proceedings is November 21, 2005, which date may be changed by initial determination."
- (2) Paragraph 4 is further amended by the deletion of the word "consolidated."
- (3) The Secretary shall serve a copy of this Order upon each party to the enforcement proceedings.

By order of the Commission.

Marilyn R. Abbott  
Secretary to the Commission

Issued: December 10, 2004