

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN AGRICULTURAL
TRACTORS, LAWN TRACTORS,
RIDING LAWMOWERS, AND
COMPONENTS THEREOF**

Inv. No. 337-TA-486

NOTICE OF INVESTIGATION

AGENCY: U.S. International Trade Commission

ACTION: Institution of investigation pursuant to 19 U.S.C. §1337

SUMMARY: Notice is hereby given that a complaint and motion for temporary relief were filed with the U.S. International Trade Commission on December 27, 2002, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. §1337, on behalf of New Holland North America, Inc. of New Holland, Pennsylvania. The complaint alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain tractors and components thereof by reason of misappropriation of New Holland's trade dress. Supplements to the complaint were filed on January 15 and 16, 2003. The complaint further alleges injury to an industry in the United States as required by subsection (a)(1)(A) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent exclusion order and permanent cease and desist orders.

The motion for temporary relief requests that the Commission issue a temporary limited exclusion order and temporary cease and desist orders prohibiting the importation into and the sale within the United States after importation of certain tractors and components thereof that misappropriate New Holland's trade dress during the course of the Commission's investigation.

ADDRESSES: The complaint and motion for temporary relief, except for any confidential

information contained therein, are 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., Room 112, Washington, D.C. 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol/public>.

FOR FURTHER INFORMATION CONTACT: David H. Hollander, Jr., Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2746.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. §210.10 (2002). The authority for provisional acceptance of the motion for temporary relief is contained in section 210.58, 19 C.F.R. § 210.58.

SCOPE OF INVESTIGATION: Having considered the complaint and the motion for temporary relief, the U.S. International Trade Commission, on February 3, 2003, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(A) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain agricultural tractors, lawn tractors, riding lawnmowers, or components thereof by reason of misappropriation of trade dress, the threat or effect of which is to destroy or substantially injure an industry in the United States.

(2) Pursuant to section 210.58 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.58, the motion for temporary relief under subsection (e) of section 337 of the Tariff Act of 1930, which was filed with the complaint, be provisionally accepted and referred to the presiding administrative law judge for investigation.

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is –

New Holland North America, Inc.
500 Diller Avenue
New Holland, Pennsylvania 17557-9301

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint and the motion for temporary relief are to be served:

Beiqi Futian Automobile Co., Ltd.
Shayang Road, Shake Town
Changping District
Beijing 102206, China

Northwest Products, Inc.
3046 South Star Lake Road
Auburn, Washington 98001-1824

Cove Equipment, Inc.
2685 Paces Landing Drive
Conyers, Georgia 30012

(c) David H. Hollander, Jr., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Room 401-K, Washington, D.C. 20436, who shall be the Commission investigative attorney, party to this investigation; and

(4) For the investigation and temporary relief proceedings so instituted, the Honorable Sidney Harris is designated as the presiding administrative law judge.

Responses to the complaint, the motion for temporary relief, and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 and 210.59 of the Commission's Rules of Practice and Procedure, 19 C.F.R. §§ 210.13 and 210.59. Pursuant to 19 C.F.R. §§201.16(d), 210.13(a), and

210.59, such responses will be considered by the Commission if received not later than 10 days after the date of service by the Commission of the complaint, the motion for temporary relief, and the notice of investigation. Extensions of time for submitting the responses to the complaint, motion for temporary relief, and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint, in the motion for temporary relief, and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint, the motion for temporary relief and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint, the motion for temporary relief, and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of limited exclusion orders or cease and desist orders or both directed against such respondent.

By order of the Commission.

Marilyn R. Abbott
Secretary

Issued: February 4, 2003