

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

In the Matter of)	
)	
CERTAIN BEARINGS AND)	Inv. No. 337-TA-469
PACKAGING THEREOF)	
)	

**NOTICE OF COMMISSION DETERMINATION TO REMAND INVESTIGATION
TO THE ADMINISTRATIVE LAW JUDGE FOR FURTHER FACT-FINDING;
EXTENSION OF TARGET DATE FOR COMPLETION OF THE INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to remand the above-referenced investigation to the presiding administrative law judge (ALJ) for further fact-finding. The Commission has also determined to extend the target date in this investigation by six (6) months, *i.e.*, until February 12, 2004.

FOR FURTHER INFORMATION CONTACT: Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3012. Copies of the Commission's Order, the public version of the ALJ's initial determination (ID), and all other nonconfidential 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 (<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 April 16, 2002, based on a complaint filed by SKF USA, Inc. (SKF USA) of Norristown, PA against fourteen respondents. 67 Fed. Reg. 18632 (2002). Four respondents remain active in the investigation, with ten respondents having either settled with complainant or been found in default. The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930 in the importation into the United States, sale for importation, and sale within the United

States after importation of certain bearings by reason of infringement of registered and common law trademarks, dilution of trademarks, various acts in violation of the Lanham Act, and passing off. A count concerning “unfair pecuniary benefits” was dismissed by the Commission on September 23, 2002.

On April 10, 2003, the ALJ issued his final ID on violation and his recommended determination on remedy and bonding. The ALJ found a violation of section 337 by reason of infringement of SKF USA’s registered and common law trademarks by each of the four remaining respondents, *viz.*, Bearings Limited, Bohls Bearing and Transmission Service, CST Bearing Company, and McGuire Bearings Company, and recommended the issuance of a general exclusion order and cease and desist orders to the respondents found in violation. All active parties remaining in the investigation, including the Commission investigative attorney, filed petitions for review on April 21, 2003, and replies to the petitions on April 28, 2003.

On May 27, 2003, the Commission determined to review the ID in part and asked the parties to brief several questions relating to the issue of material differences in the context of trademark infringement by gray market goods. 68 *Fed. Reg.* 32766-7 (June 2, 2002). Responses to the Commission’s questions were filed on June 6, 2003, by all parties remaining in the investigation. Replies to the responses were filed by the same parties on June 13, 2003. Having examined the parties’ submissions and the record in this investigation, including the ALJ’s final ID, the petitions for review, and the responses thereto, the Commission determined to remand the investigation to the ALJ for further fact-finding concerning the material differences between complainant’s and respondents’ bearings. In order to allow sufficient time for the further fact-finding, the Commission extended the target date for completion of the investigation by six month, *i.e.*, until February 12, 2004.

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 sections 210.45 and 210.51 of the Commission’s Rules of Practice and Procedure (19 C.F.R. §§ 210.45, 210.51).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: August 6, 2003