

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN COIN-OPERATED AUDIO
VISUAL GAMES AND COMPONENTS
THEREOF

Investigation No. 337-TA-087

In the Matter of

CERTAIN COIN-OPERATED AUDIO
VISUAL GAMES AND COMPONENTS
THEREOF (VIZ., RALLY-X AND
PAC-MAN)

Investigation No. 337-TA-105

In the Matter of

CERTAIN CUBE PUZZLES

Investigation No. 337-TA-112

ORDER

The Commission hereby **ORDERS** that:

1. Each of the exclusion orders previously issued in the above-captioned investigations on June 25, 1981, July 1, 1982, and December 30, 1982, respectively, are modified to include the following provision:

Complainant shall report to the Commission, on a semi-annual basis starting on December 31, 2015, whether complainant is continuing to use the subject intellectual property. The report shall include, but is not

limited to, an affidavit stating that complainant is continuing to use the intellectual property underlying the exclusion order in commerce. Failure to comply with this provision will result in rescission of the exclusion order.

2. The Secretary will serve this Order on the parties to the above-captioned investigations and publish notice thereof in the *Federal Register*.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: April 29, 2015

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served by hand upon the Office of Unfair Import Investigations., and the following parties as indicated, on **April 29, 2015**.



Lisa R. Barton, Secretary
 U.S. International Trade Commission
 500 E Street, SW, Room 112
 Washington, DC 20436

Complainants:	
Hasbro, Inc. (current owner) 1027 Newport Avenue Pawtucket, RI 02861-1059	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
Respondents:	
P.G. Continental, Inc. 558 Pilgrim Drive, Suite A Foster City, CA 99404	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
Robert S. Hong & Co., Ltd. PO Box 8-59 Taipei, Taiwan	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
Maruwa Gain Corp. No. 15-1, Alley 2, Lane 250 Nanking E. Rd., Sec. 5 PO Box 48-371 Taipei, Taiwan	<input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Express Delivery <input checked="" type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____

337-TA-112

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

In the Matter of
CERTAIN CUBE PUZZLES

Investigation No. 337-TA-112

COMMISSION ACTION AND ORDER

Introduction

The United States International Trade Commission has concluded its investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337), of alleged unfair methods of competition and unfair acts in the unauthorized importation of certain cube puzzles into the United States, or in their sale by the owner, importer, consignee, or agent of either, the alleged effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. The Commission's investigation concerned allegations of (1) infringement of common-law trademarks of complainant Ideal Toy Corp., (2) false representation by copying complainant's trade dress, and (3) passing off of respondents' cube puzzles as those of complainant.

This Action and Order provides for the final disposition of investigation No. 337-TA-112 by the Commission. It is based upon the Commission's determination (Commissioner Stern dissenting), made in public session at the Commission meeting of December 15, 1982, that there is a violation of section 337.

Action

Having reviewed the record compiled and information developed in this investigation, including (1) the submissions filed by the parties, (2) the transcript of the evidentiary hearing before the ALJ and the exhibits which were accepted into evidence, (3) the ALJ's recommended determination, and (4) the arguments and presentations made by the parties and witnesses at the Commission's public hearing on November 18, 1982, the Commission on December 15, 1982, determined (Commissioner Stern dissenting) that--

1. There is a violation of section 337 with respect to the importation and sale of imported cube puzzles and their packaging that infringe Ideal's common-law trademarks;
2. The appropriate remedy for such violation is a general exclusion order issued pursuant to section 337(d) (19 U.S.C. § 1337(d));
3. The public interest factors enumerated in section 337(d) do not preclude the issuance of the order referred to in paragraph 2 above; and
4. The bond provided for in section 337(g)(3) (19 U.S.C. § 337(g)(3)) shall be in the amount of 600 percent of the entered value of the cube puzzles in question.

Order

Accordingly, it is hereby ORDERED THAT--

1. Cube puzzles that infringe Ideal's common-law trademark in its Rubik's Cube puzzle are excluded from entry into the United States;
2. Packages consisting of a cylindrical black plastic base and a cylindrical clear plastic cover, the plastic base and plastic cover sealed by a strip of black and gold tape, that infringe Ideal's common-law trademark are excluded from entry into the United States;
3. The public interest factors enumerated in section 337(d) do not preclude issuance of the orders referred to above;

4. The articles ordered to be excluded from entry into the United States pursuant to paragraphs 1 and 2 above are entitled to entry under bond in the amount of 600 percent of the entered value of said articles during the presidential review period provided for in section 337(g)(2) (19 U.S.C. § 1337(g)(2));
5. Notice of this Action and Order be published in the Federal Register and that copies of this Action and Order and the opinions issued in connection therewith be served upon each party of record to this investigation and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the Secretary of the Treasury;
6. The Commission may amend this Order in accordance with the procedure described in section 211.57 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 211.57).

By order of the Commission.

Kenneth R. Mason
Secretary

Issued: