

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN MOTORIZED VEHICLES

AND COMPONENTS THEREOF

Inv. No. 337-TA-1132

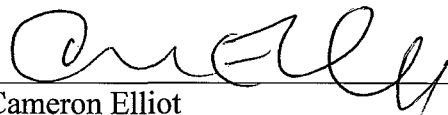
NOTICE OF INITIAL DETERMINATION ON VIOLATION OF SECTION 337

Administrative Law Judge Cameron Elliot

(November 8, 2019)

On this date, I issued an initial determination on violation of section 337 in the above-referenced investigation. Below are my Initial Determination and the Conclusions of Law from said filing, which are a matter of public record. A complete public version of the Initial Determination will issue when all the parties have submitted their redactions and I have had an opportunity to review such redactions.

SO ORDERED.



Cameron Elliot
Administrative Law Judge

IX. CONCLUSIONS OF LAW

1. The Commission has subject matter and personal jurisdiction.
2. The importation or sale requirement of Section 337 is satisfied.
3. The domestic industry requirement is satisfied.
4. Complainant has legal rights to the Jeep Trade Dress.
5. Complainant's Jeep Trade Dress has acquired secondary meaning.
6. Complainant's Jeep Trade Dress is not generic.
7. Complainant's Jeep Trade Dress is not functional.
8. Respondents' Roxor vehicle infringes Complainant's Jeep Trade Dress
9. Respondents' Roxor vehicle does not cause dilution of the Complainant's Jeep Trade Dress.
10. Respondents' Roxor vehicle does not infringe Trade Mark Reg. No. 2,862,487.
11. Respondents' Roxor vehicle does not infringe Trade Mark Reg. No. 2,794,553.
12. Respondents' Roxor vehicle does not infringe Trade Mark Reg. No. 2,161,779.
13. Respondents' Roxor vehicle does not infringe Trade Mark Reg. No. 4,043,984.
14. Respondents' Roxor vehicle does not infringe Trade Mark Reg. No. 4,272,873.
15. There is a violation of Section 337 with respect to the Complainant's Jeep Trade Dress.

XI. INITIAL DETERMINATION AND ORDER

Based on the foregoing, it is my Initial Determination that there is a violation of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain motorized vehicles, kits and assemblies for motorized vehicles, and replacement and aftermarket components for motorized vehicles thereof, in connection with the Jeep Trade Dress. Furthermore,

it is my determination that a domestic industry in the United States exists that practices or exploits the Jeep Trade Dress.

I certify to the Commission this Initial Determination, together with the Record of the hearing in this Investigation consisting of the following: the transcript of the evidentiary hearing, with appropriate corrections as may hereafter be ordered; and the exhibits accepted into evidence in this Investigation, as listed by the parties, attached herein as Appendix A with appropriate corrections as may hereafter be ordered. The pleadings of the parties filed with the Secretary need not be certified as they are already in the Commission's possession in accordance with Commission rules.

Pursuant to 19 C.F.R. § 210.42(h), this Initial Determination shall become the determination of the Commission unless a party files a petition for review pursuant to 19 C.F.R. § 210.43(a) or the Commission, pursuant to 19 C.F.R. § 210.44, orders on its own motion a review of the Initial Determination or certain issues therein.