

*In the Matter of*

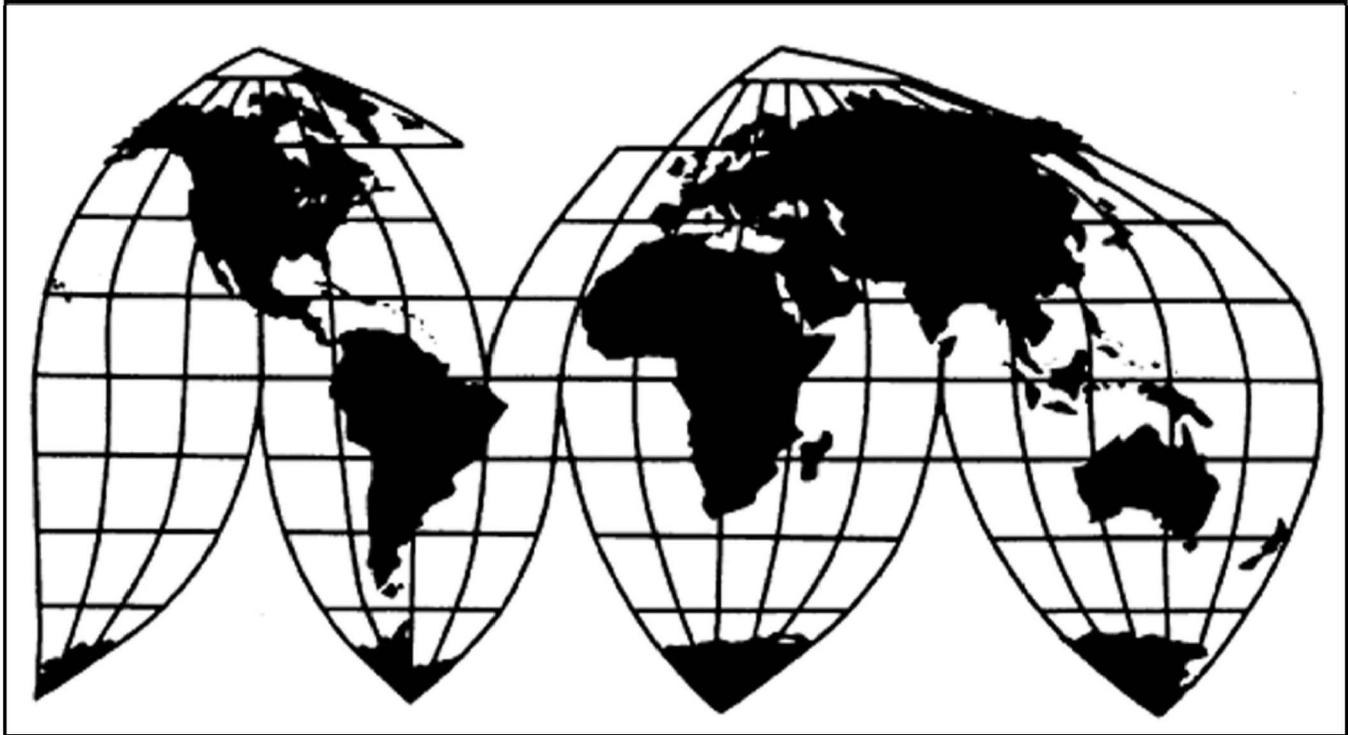
**CERTAIN REPLACEMENT AUTOMOTIVE  
SERVICE AND COLLISION PARTS AND  
COMPONENTS THEREOF**

Investigation No. 337-TA-1160

**Publication 5289**

**March 2022**

**U.S. International Trade Commission**



Washington, DC 20436

# **U.S. International Trade Commission**

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**Rhonda K. Schmidlein, Commissioner**  
**Jason E. Kearns, Commissioner**  
**Randolph J. Stayin, Commissioner**  
**Amy A. Karpel, Commissioner**

**Address all communications to  
Secretary to the Commission  
United States International Trade Commission  
Washington, DC 20436**

# U.S. International Trade Commission

Washington, DC 20436  
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*In the Matter of*

## **CERTAIN REPLACEMENT AUTOMOTIVE SERVICE AND COLLISION PARTS AND COMPONENTS THEREOF**

Investigation No. 337-TA-1160



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

**In the Matter of**

**CERTAIN REPLACEMENT AUTOMOTIVE  
SERVICE AND COLLISION PARTS AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-1160**

**NOTICE OF A COMMISSION DETERMINATION TO ISSUE A LIMITED  
EXCLUSION ORDER AND CEASE AND DESIST ORDERS AGAINST DEFAULTING  
RESPONDENTS; TERMINATION OF THE INVESTIGATION**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined to issue a limited exclusion order and cease and desist orders against the following respondents found in default in this investigation: AJ Auto Spare Parts FZE of Dubai, United Arab Emirates; John Auto Spare Parts Co. LLC of Dubai, United Arab Emirates; and Cuong Anh Co. Ltd. of Ninh Binh Province, Vietnam (collectively, “the Defaulting Respondents”). The Commission has also determined to impose a bond equal to one hundred (100) percent of the entered value of the infringing products imported during the period of Presidential review. The investigation is hereby terminated.

**FOR FURTHER INFORMATION CONTACT:** Benjamin S. Richards, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 708-5453. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov). General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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:** On June 7, 2019, the Commission instituted the above-referenced investigation based on a complaint filed by Hyundai Motor America, Inc. of Fountain Valley, California and Hyundai Motor Company of Seoul, Republic of Korea (collectively, “Hyundai”). 84 FR 26703-04 (June 7, 2019). The complaint alleges a violation of 19 U.S.C. 1337, as amended (“Section 337”), in the importation, sale for importation, or sale in the United States after importation of certain gray market Hyundai parts in the categories of belts, body exterior and interior parts, brakes, wheel hubs, cooling system parts, drivetrain parts, electrical parts, emission parts, engine parts, exhaust parts, fuel/air pumps, oil/air/cabin air filters

and parts, heat and A/C parts, ignition parts, steering parts, suspension parts, transmission parts, wheels and parts, wiper and washer parts, and accessories that infringe one or more of Hyundai's U.S. Trademark Registration Nos. 1,104,727; 3,991,863; 1,569,538; and 4,065,195. *Id.* at 26704. The complaint further alleges that a domestic industry exists in the United States. *Id.*

The Commission's notice of investigation named Direct Technologies International, Inc. ("DTI") of North Miami Beach, Florida; AJ Auto Spare Parts FZE ("AJ Auto") and John Auto Spare Parts Co. LLC ("John Auto"), both of Dubai, United Arab Emirates; and Cuong Anh Co. Ltd. ("Cuong Anh") of Ninh Binh Province, Vietnam as respondents. The Office of Unfair Import Investigations was not named as a party to this investigation.

On November 25, 2019, the Commission determined not to review an initial determination ("ID") granting Hyundai's unopposed motion to find respondents AJ Auto, John Auto, and Cuong Anh (collectively, the "Defaulting Respondents") in default. Order No. 17 (Nov. 5, 2019), *not reviewed*, Comm'n Notice (Nov. 25, 2019). Thereafter, on January 24, 2020, Hyundai filed a declaration seeking immediate entry of a limited exclusion order against the Defaulting Respondents and any of their affiliated companies, parents, subsidiaries, and related business entities, successors or assigns.

On February 18, 2020, the Commission determined not to review an ID granting Hyundai's unopposed motion for summary determination that Hyundai satisfies the domestic industry requirement of section 337. Order No. 26 (Jan. 16, 2020), *not reviewed*, Comm'n Notice (Feb. 18, 2020).

On March 26, 2020, the Commission determined not to review an ID granting a joint motion by Hyundai and DTI to terminate the investigation as to DTI based on a consent order. Order No. 36 (Mar. 5, 2020), *not reviewed*, Comm'n Notice (Mar. 26, 2020). The Commission concurrently issued a consent order directed to DTI, found that Hyundai's January 24, 2020 declaration for immediate relief against the Defaulting Respondents was moot, and requested briefing on the issues of remedy, bonding, and the public interest with respect to the Defaulting Respondents. Comm'n Notice, 2-3 (Mar. 26, 2020).

On April 9, 2020, Hyundai filed the sole response to the Commission's request for briefing. No replies or other submissions were received.

Upon review of the record, and in the absence of any response from the Defaulting Respondents or from other interested persons or government agencies, and having concluded that it would not be contrary to the public interest to do so, the Commission has determined to issue a limited exclusion order and cease and desist orders against the Defaulting Respondents. The Commission has further determined to set a bond in the amount of one hundred (100) percent of the entered value of the covered products.

The investigation is hereby terminated.

While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the

Hyundai complete service for any party/parties without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

The Commission vote for this determination took place on August 18, 2020.

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 part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

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: August 18, 2020

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served on the following parties as indicated, on 8/18/2020.



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

**On Behalf of Complainants Hyundai Motor America, Inc.  
and Hyundai Motor Company:**

Kecia Reynolds, Esq.  
**PILLSBURY WINTHROP SHAW PITTMAN LLP**  
1200 Seventeenth Street, NW  
Washington, DC 20036  
Email: kecia.reynolds@pillsburylaw.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

**On Behalf of Respondents Direct Technologies International,  
Inc. d/b/a DTI, Inc.**

Andrew R. Kopsidas Esq.  
**FISH & RICHARDSON P.C.**  
1000 Maine Avenue, SW  
Suite 1000  
Washington, DC 20024  
Email: kopsidas@fr.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

**Respondents:**

AJ Auto Spare Parts FZE  
Office/Warehouse No. RAO8TC06  
Jebel Ali Free Zone  
Dubai, United Arab Emirates

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed By Complainants

AJ Auto Spare Parts FZE  
Office/Warehouse No. RAO8TC06  
Jebel Ali Free Zone  
Dubai, United Arab Emirates

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed By Complainants

**CERTAIN REPLACEMENT AUTOMOTIVE SERVICE  
AND COLLISION PARTS AND COMPONENTS THEREOF**

**Inv. No. 337-TA-1160**

Certificate of Service – Page 2

John Auto Spare Parts Co. LLC  
Building 15 — Jafza 15  
Dubai, United Arab Emirates

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed By Complainants

Cuong Anh co. Ltd.  
Lot 5, Gian 'Chau Industrial Parks  
Gia Tran village, Gia Vien District  
Ninh Bing Province Viet Nam

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed By Complainants

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

**In the Matter of**

**CERTAIN REPLACEMENT AUTOMOTIVE  
SERVICE AND COLLISION PARTS AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-1160**

**LIMITED EXCLUSION ORDER**

The United States International Trade Commission (“Commission”) has determined that there is a violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), in the unlawful importation, sale for importation, and sale in the United States after importation of certain replacement automotive service and collision parts and components thereof that infringe one or more of U.S. Trademarks, Registration Nos. 1,104,727; 3,991,863; 1,569,538; and 4,065,195 (collectively, the “Asserted Trademarks”) by respondents AJ Auto Spare Parts FZE of Dubai, United Arab Emirates; John Auto Spare Parts Co. LLC, of Dubai, United Arab Emirates; and Cuong Anh Co. Ltd. of Ninh Binh Province, Vietnam (collectively “Defaulting Respondents”). The Commission previously found the Defaulting Respondents in default pursuant to subsection (g)(1) of section 337, 19 U.S.C. § 1337(g)(1), and section 210.16 of the Commission’s Rules of Practice and Procedure, 19 C.F.R. § 210.16, for failing to respond to the Complaint and Notice of Investigation.

Having reviewed the record of this investigation, including the written submissions of the parties and the public, the Commission has made its determination on the issues of remedy, public interest, and bonding. The Commission has determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of certain replacement automotive service

and collision parts and components thereof that infringe one or more of the Asserted Trademarks (“Covered Articles”) manufactured abroad or imported by or on behalf of Defaulting Respondents, or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, for consumption into the United States, consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, except under license of the trademark owner or as provided by law.

The Commission has determined that the public interest factors enumerated in 19 U.S.C. § 1337(g)(1) do not preclude the issuance of the limited exclusion order, and that the bond during the period of Presidential review shall be in the amount of one hundred (100) percent of the entered value of the Covered Articles.

Accordingly, the Commission hereby **ORDERS** that:

1. Replacement automotive service and collision parts and components thereof that infringe one or more of the Asserted Trademarks and that are manufactured abroad or imported by or on behalf of the Defaulting Respondents, or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, are excluded from entry for consumption into the United States, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, except under license of the trademark owner or as provided by law, until such date as the Asserted Trademarks are abandoned, canceled, or rendered invalid or unenforceable.
2. For the purpose of assisting U.S. Customs and Border Protection (“CBP”) in the enforcement of this order, and without in any way limiting the scope of this Order, the Commission has attached to this Order a copy of the relevant trademark

registrations as Exhibits 1-4.

3. Notwithstanding paragraph 1 of this Order, the Covered Articles are entitled to entry into the United States for consumption, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption under bond in the amount of one hundred (100) percent of the entered value of the Covered Articles, pursuant to subsection (j) of Section 337 (19 U.S.C. § 1337(j)) and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 Fed. Reg. 43251), from the day after this Order is received by the United States Trade Representative until such time as the United States Trade Representative notifies the Commission that this Order is approved or disapproved but, in any event, not later than sixty (60) days after the date of receipt of this Order. All entries of Covered Articles made pursuant to this paragraph are to be reported to CBP, in advance of the date of the entry, pursuant to procedures CBP establishes.
4. At the discretion of CBP and pursuant to the procedures it establishes, persons seeking to import Covered Articles that are potentially subject to this Order may be required to certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraph 1 of this Order. At its discretion, CBP may require persons who have provided the certification described in this paragraph to furnish such records or analyses as are necessary to substantiate the certification.
5. Complainants shall file a written statement with the Commission, made under oath, each year on the anniversary of the issuance of this Order stating whether

Complainants continue to use each of the Asserted Trademarks in commerce in the United States in connection with the products at issue and whether any of the Asserted Trademarks have been abandoned, canceled, or rendered invalid or unenforceable.

6. The Commission may modify this Order in accordance with the procedures described in Section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).
7. The Commission Secretary shall serve copies of this Order upon each party of record in this investigation and upon CBP. While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 C.F.R §§ 201.16(a), 210.7(a)(1)), the Commission orders that the Complainant(s) complete service for any party/parties without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).
8. Notice of this Order shall be published in the *Federal Register*.

By order of the Commission.



Lisa R. Barton  
Secretary to the Commission

Issued: August 18, 2020

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **Order, Commission** has been served on the following parties as indicated, on 8/18/2020.



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

**On Behalf of Complainants Hyundai Motor America, Inc.  
and Hyundai Motor Company:**

Kecia Reynolds, Esq.  
**PILLSBURY WINTHROP SHAW PITTMAN LLP**  
1200 Seventeenth Street, NW  
Washington, DC 20036  
Email: kecia.reynolds@pillsburylaw.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

**On Behalf of Respondents Direct Technologies International,  
Inc. d/b/a DTI, Inc.**

Andrew R. Kopsidas Esq.  
**FISH & RICHARDSON P.C.**  
1000 Maine Avenue, SW  
Suite 1000  
Washington, DC 20024  
Email: kopsidas@fr.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

**Respondents:**

AJ Auto Spare Parts FZE  
Office/Warehouse No. RAO8TC06  
Jebel Ali Free Zone  
Dubai, United Arab Emirates

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed By Complainants

AJ Auto Spare Parts FZE  
Office/Warehouse No. RAO8TC06  
Jebel Ali Free Zone  
Dubai, United Arab Emirates

- Via Hand Delivery
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- Other: Service to Be Completed By Complainants

**CERTAIN REPLACEMENT AUTOMOTIVE SERVICE  
AND COLLISION PARTS AND COMPONENTS THEREOF**

**Inv. No. 337-TA-1160**

Certificate of Service – Page 2

John Auto Spare Parts Co. LLC  
Building 15 — Jafza 15  
Dubai, United Arab Emirates

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed By Complainants

Cuong Anh co. Ltd.  
Lot 5, Gian 'Chau Industrial Parks  
Gia Tran village, Gia Vien District  
Ninh Bing Province Viet Nam

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed By Complainants

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

**In the In the Matter of**

**CERTAIN REPLACEMENT AUTOMOTIVE  
SERVICE AND COLLISION PARTS  
AND COMPONENTS THEREOF**

**Investigation No. 337-TA-1160**

**CEASE AND DESIST ORDER**

**IT IS HEREBY ORDERED THAT** Respondent AJ Auto Spare Parts FZE of Office/Warehouse No. RA08TC06, Jebel Ali Free Zone, Dubai, United Arab Emirates (“Respondent”) cease and desist from conducting any of the following activities in the United States, including via the internet: importing, selling, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution within the United States of certain replacement automotive service and collision parts and components thereof that infringe one or more of U.S. Trademark Registration Nos. 1,104,727; 3,991,863; 1,569,538; and 4,065,195 (collectively, the “Asserted Trademarks”) in violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

**I.  
Definitions**

As used in this Order:

- (A) “Asserted Trademarks” shall mean U.S. Trademark Registration Nos. 1,104,727; 3,991,863; 1,569,538; and 4,065,195.

- (B) “Commission” shall mean the United States International Trade Commission.
- (C) “Complainants” shall mean Hyundai Motor Company of 231 YangJae-Dong, Seocho-gu Seoul 137-938, Republic of Korea and Hyundai Motor America, Inc. of 10550 Talbert Avenue, Fountain Valley, CA 92708.
- (D) “Respondent” shall mean AJ Auto Spare Parts FZE of Office/Warehouse No. RA08TC06, Jebel Ali Free Zone, Dubai, United Arab Emirates.
- (E) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.
- (F) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.
- (G) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.
- (H) The term “covered products” shall mean replacement automotive service and collision parts and components thereof that infringe one or more of the Asserted Trademarks. Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

## **II. Applicability**

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and

assigns, and to each of them, insofar as they are engaging in conduct prohibited by section III, *infra*, for, with, or otherwise on behalf of Respondent.

### **III. Conduct Prohibited**

The following conduct of Respondent in the United States is prohibited by this Order. While the Asserted Trademarks remain valid and enforceable, Respondent shall not:

- (A) import, sell for importation, or sell after importation into the United States covered products;
- (B) market, distribute, offer for sale, or otherwise transfer (except for exportation), in the United States imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

### **IV. Conduct Permitted**

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if in a written instrument, the owner of the Asserted Trademarks licenses or authorizes such specific conduct.

### **V. Reporting**

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this

section shall cover the period from the date of issuance of this Order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to Section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-1160") in a prominent place on the cover pages and/or the first page. (*See Handbook on Filing Procedures*, [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf)). Persons with questions regarding filing should contact the Secretary at (202) 205-2000. If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainants' counsel.<sup>1</sup>

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<sup>1</sup> Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 C.F.R. 210.4(f) are currently waived, pending resolution of the COVID-19 crisis. 85 Fed. Reg. 15798 (March 19, 2020).

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## **VI. Record-Keeping and Inspection**

- (A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.
- (B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

**VII.**  
**Service of Cease and Desist Order**

The Secretary shall serve copies of this Order upon each party of record in this investigation that has retained counsel or otherwise provided a point of contact for electronic service and upon CBP. While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 C.F.R. §§ 201.16(a), 210.7(a)(1)), the Commission orders that the Complainant complete service of this Order for any party without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

Respondent is ordered and directed to:

- (A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;
- (B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this Order, a copy of the Order upon each successor; and
- (C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect indefinitely, unless the Asserted Trademarks are held invalid and unenforceable.

## **VIII. Confidentiality**

Any request for confidential treatment of information obtained by the Commission pursuant to Sections V and VI of this Order should be made in accordance with Section 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## **IX. Enforcement**

Violation of this Order may result in any of the actions specified in Section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under Section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

## **X. Modification**

The Commission may amend this Order on its own motion or in accordance with the procedure described in Section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

## **XI. Bonding**

The conduct prohibited by Section III of this Order may be continued during the sixty (60) period in which this Order is under review by the United States Trade Representative, as

delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of each covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. *See* 19 C.F.R. § 210.68. The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order. Upon the Secretary's acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties and (b) Respondent must serve a copy of the bond and any accompanying documentation on Complainants' counsel.<sup>2</sup>

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to a Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or

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<sup>2</sup> *See* note 1 above.

not disapproved, or no action is taken) by the United States Trade Representative, upon service on Respondent of an order issued by the Commission based upon application therefore made by Respondent to the Commission.

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: August 18, 2020

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **Order, Commission** has been served on the following parties as indicated, on 8/18/2020.



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

**On Behalf of Complainants Hyundai Motor America, Inc.  
and Hyundai Motor Company:**

Kecia Reynolds, Esq.  
**PILLSBURY WINTHROP SHAW PITTMAN LLP**  
1200 Seventeenth Street, NW  
Washington, DC 20036  
Email: kecia.reynolds@pillsburylaw.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

**On Behalf of Respondents Direct Technologies International,  
Inc. d/b/a DTI, Inc.**

Andrew R. Kopsidas Esq.  
**FISH & RICHARDSON P.C.**  
1000 Maine Avenue, SW  
Suite 1000  
Washington, DC 20024  
Email: kopsidas@fr.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

**Respondents:**

AJ Auto Spare Parts FZE  
Office/Warehouse No. RAO8TC06  
Jebel Ali Free Zone  
Dubai, United Arab Emirates

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed By Complainants

AJ Auto Spare Parts FZE  
Office/Warehouse No. RAO8TC06  
Jebel Ali Free Zone  
Dubai, United Arab Emirates

- Via Hand Delivery
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- Other: Service to Be Completed By Complainants

**CERTAIN REPLACEMENT AUTOMOTIVE SERVICE  
AND COLLISION PARTS AND COMPONENTS THEREOF**

**Inv. No. 337-TA-1160**

Certificate of Service – Page 2

John Auto Spare Parts Co. LLC  
Building 15 — Jafza 15  
Dubai, United Arab Emirates

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed By Complainants

Cuong Anh co. Ltd.  
Lot 5, Gian 'Chau Industrial Parks  
Gia Tran village, Gia Vien District  
Ninh Bing Province Viet Nam

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed By Complainants

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

**In the In the Matter of**

**CERTAIN REPLACEMENT AUTOMOTIVE  
SERVICE AND COLLISION PARTS  
AND COMPONENTS THEREOF**

**Investigation No. 337-TA-1160**

**CEASE AND DESIST ORDER**

**IT IS HEREBY ORDERED THAT** Respondent Cuong Anh Co. Ltd. of Lot 5, Gian Khau Industrial Parks, Gia Tran Village, Gia Vien District, Ninh Binh Province, Vietnam (“Respondent”) cease and desist from conducting any of the following activities in the United States, including via the internet: importing, selling, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution within the United States of certain replacement automotive service and collision parts and components thereof that infringe one or more of U.S. Trademark Registration Nos. 1,104,727; 3,991,863; 1,569,538; and 4,065,195 (collectively, the “Asserted Trademarks”) in violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

**I.  
Definitions**

As used in this Order:

- (A) “Asserted Trademarks” shall mean U.S. Trademark Registration Nos. 1,104,727; 3,991,863; 1,569,538; and 4,065,195.

- (B) “Commission” shall mean the United States International Trade Commission.
- (C) “Complainants” shall mean Hyundai Motor Company of 231 YangJae-Dong, Seocho-gu Seoul 137-938, Republic of Korea and Hyundai Motor America, Inc. of 10550 Talbert Avenue, Fountain Valley, CA 92708.
- (D) “Respondent” shall mean Cuong Anh Co. Ltd. of Lot 5, Gian Khau Industrial Parks, Gia Tran Village, Gia Vien District, Ninh Binh Province, Vietnam.
- (E) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.
- (F) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.
- (G) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.
- (H) The term “covered products” shall mean replacement automotive service and collision parts and components thereof that infringe one or more of the Asserted Trademarks. Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

## **II. Applicability**

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and

assigns, and to each of them, insofar as they are engaging in conduct prohibited by section III, *infra*, for, with, or otherwise on behalf of Respondent.

### **III. Conduct Prohibited**

The following conduct of Respondent in the United States is prohibited by this Order.

While the Asserted Trademarks remain valid and enforceable, Respondent shall not:

- (A) import, sell for importation, or sell after importation into the United States covered products;
- (B) market, distribute, offer for sale, or otherwise transfer (except for exportation), in the United States imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

### **IV. Conduct Permitted**

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if in a written instrument, the owner of the Asserted Trademarks licenses or authorizes such specific conduct.

### **V. Reporting**

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this

section shall cover the period from the date of issuance of this Order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to Section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-1160") in a prominent place on the cover pages and/or the first page. (*See Handbook on Filing Procedures*, [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf)). Persons with questions regarding filing should contact the Secretary at (202) 205-2000. If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainants' counsel.<sup>1</sup>

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<sup>1</sup> Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 C.F.R. 210.4(f) are currently waived, pending resolution of the COVID-19 crisis. 85 Fed. Reg. 15798 (March 19, 2020).

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## **VI. Record-Keeping and Inspection**

- (A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.
- (B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

**VII.**  
**Service of Cease and Desist Order**

The Secretary shall serve copies of this Order upon each party of record in this investigation that has retained counsel or otherwise provided a point of contact for electronic service and upon CBP. While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 C.F.R. §§ 201.16(a), 210.7(a)(1)), the Commission orders that the Complainant complete service of this Order for any party without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

Respondent is ordered and directed to:

- (A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;
- (B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this Order, a copy of the Order upon each successor; and
- (C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect indefinitely, unless the Asserted Trademarks are held invalid and unenforceable.

## **VIII. Confidentiality**

Any request for confidential treatment of information obtained by the Commission pursuant to Sections V and VI of this Order should be made in accordance with Section 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## **IX. Enforcement**

Violation of this Order may result in any of the actions specified in Section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under Section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

## **X. Modification**

The Commission may amend this Order on its own motion or in accordance with the procedure described in Section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

## **XI. Bonding**

The conduct prohibited by Section III of this Order may be continued during the sixty (60) period in which this Order is under review by the United States Trade Representative, as

delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of each covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. *See* 19 C.F.R. § 210.68. The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order. Upon the Secretary's acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties and (b) Respondent must serve a copy of the bond and any accompanying documentation on Complainants' counsel.<sup>2</sup>

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to a Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or

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<sup>2</sup> *See* note 1 above.

not disapproved, or no action is taken) by the United States Trade Representative, upon service on Respondent of an order issued by the Commission based upon application therefore made by Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'LRB', with a stylized flourish at the end.

Lisa R. Barton  
Secretary to the Commission

Issued: August 18, 2020

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **Order, Commission** has been served on the following parties as indicated, on 8/18/2020.



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

**On Behalf of Complainants Hyundai Motor America, Inc.  
and Hyundai Motor Company:**

Kecia Reynolds, Esq.  
**PILLSBURY WINTHROP SHAW PITTMAN LLP**  
1200 Seventeenth Street, NW  
Washington, DC 20036  
Email: kecia.reynolds@pillsburylaw.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

**On Behalf of Respondents Direct Technologies International,  
Inc. d/b/a DTI, Inc.**

Andrew R. Kopsidas Esq.  
**FISH & RICHARDSON P.C.**  
1000 Maine Avenue, SW  
Suite 1000  
Washington, DC 20024  
Email: kopsidas@fr.com

- Via Hand Delivery
- Via Express Delivery
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**Respondents:**

AJ Auto Spare Parts FZE  
Office/Warehouse No. RAO8TC06  
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Dubai, United Arab Emirates

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**CERTAIN REPLACEMENT AUTOMOTIVE SERVICE  
AND COLLISION PARTS AND COMPONENTS THEREOF**

**Inv. No. 337-TA-1160**

Certificate of Service – Page 2

John Auto Spare Parts Co. LLC  
Building 15 — Jafza 15  
Dubai, United Arab Emirates

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Lot 5, Gian 'Chau Industrial Parks  
Gia Tran village, Gia Vien District  
Ninh Bing Province Viet Nam

- Via Hand Delivery
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- Other: Service to Be Completed By Complainants

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

**In the In the Matter of**

**CERTAIN REPLACEMENT AUTOMOTIVE  
SERVICE AND COLLISION PARTS  
AND COMPONENTS THEREOF**

**Investigation No. 337-TA-1160**

**CEASE AND DESIST ORDER**

**IT IS HEREBY ORDERED THAT** Respondent John Auto Spare Parts Co. LLC, of Building 15 – Jafza 15, Dubai, United Arab Emirates (“Respondent”) cease and desist from conducting any of the following activities in the United States, including via the internet: importing, selling, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors, and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution within the United States of certain replacement automotive service and collision parts and components thereof that infringe one or more of U.S. Trademark Registration Nos. 1,104,727; 3,991,863; 1,569,538; and 4,065,195 (collectively, the “Asserted Trademarks”) in violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).

**I.  
Definitions**

As used in this Order:

- (A) “Asserted Trademarks” shall mean U.S. Trademark Registration Nos. 1,104,727; 3,991,863; 1,569,538; and 4,065,195.
- (B) “Commission” shall mean the United States International Trade Commission.

- (C) “Complainants” shall mean Hyundai Motor Company of 231 YangJae-Dong, Seocho-gu Seoul 137-938, Republic of Korea and Hyundai Motor America, Inc. of 10550 Talbert Avenue, Fountain Valley, CA 92708.
- (D) “Respondent” shall mean John Auto Spare Parts Co. LLC, of Building 15 – Jafza 15, Dubai, United Arab Emirates.
- (E) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.
- (F) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.
- (G) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.
- (H) The term “covered products” shall mean replacement automotive service and collision parts and components thereof that infringe one or more of the Asserted Trademarks. Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

## **II. Applicability**

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, licensees, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by section III, *infra*, for, with, or otherwise on behalf of Respondent.

**III.  
Conduct Prohibited**

The following conduct of Respondent in the United States is prohibited by this Order.

While the Asserted Trademarks remain valid and enforceable, Respondent shall not:

- (A) import, sell for importation, or sell after importation into the United States covered products;
- (B) market, distribute, offer for sale, or otherwise transfer (except for exportation), in the United States imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

**IV.  
Conduct Permitted**

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if in a written instrument, the owner of the Asserted Trademarks licenses or authorizes such specific conduct.

**V.  
Reporting**

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this section shall cover the period from the date of issuance of this Order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has

truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to Section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-1160") in a prominent place on the cover pages and/or the first page. (*See Handbook on Filing Procedures*, [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf)). Persons with questions regarding filing should contact the Secretary at (202) 205-2000. If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainants' counsel.<sup>1</sup>

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 C.F.R.

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<sup>1</sup> Complainants must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.

210.4(f) are currently waived, pending resolution of the COVID-19 crisis. 85 Fed. Reg. 15798 (March 19, 2020).

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

## **VI. Record-Keeping and Inspection**

- (A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.
- (B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

**VII.**  
**Service of Cease and Desist Order**

The Secretary shall serve copies of this Order upon each party of record in this investigation that has retained counsel or otherwise provided a point of contact for electronic service and upon CBP. While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 C.F.R. §§ 201.16(a), 210.7(a)(1)), the Commission orders that the Complainant complete service of this Order for any party without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

Respondent is ordered and directed to:

- (A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;
- (B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this Order, a copy of the Order upon each successor; and
- (C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII(C) shall remain in effect indefinitely, unless the Asserted Trademarks are held invalid and unenforceable.

## **VIII. Confidentiality**

Any request for confidential treatment of information obtained by the Commission pursuant to Sections V and VI of this Order should be made in accordance with Section 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

## **IX. Enforcement**

Violation of this Order may result in any of the actions specified in Section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under Section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this Order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

## **X. Modification**

The Commission may amend this Order on its own motion or in accordance with the procedure described in Section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

## **XI. Bonding**

The conduct prohibited by Section III of this Order may be continued during the sixty (60) period in which this Order is under review by the United States Trade Representative, as

delegated by the President (70 Fed. Reg. 43,251 (Jul. 21, 2005)), subject to Respondent posting a bond in the amount of one hundred (100) percent of the entered value of each covered products. This bond provision does not apply to conduct that is otherwise permitted by Section IV of this Order. Covered products imported after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. *See* 19 C.F.R. § 210.68. The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct which is otherwise prohibited by Section III of this Order. Upon the Secretary's acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties and (b) Respondent must serve a copy of the bond and any accompanying documentation on Complainants' counsel.<sup>2</sup>

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to a Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

The bond is to be released in the event the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or

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<sup>2</sup> *See* note 1 above.

not disapproved, or no action is taken) by the United States Trade Representative, upon service on Respondent of an order issued by the Commission based upon application therefore made by Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton".

Lisa R. Barton  
Secretary to the Commission

Issued: August 18, 2020

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **Order, Commission** has been served on the following parties as indicated, on 8/18/2020.



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

**On Behalf of Complainants Hyundai Motor America, Inc.  
and Hyundai Motor Company:**

Kecia Reynolds, Esq.  
**PILLSBURY WINTHROP SHAW PITTMAN LLP**  
1200 Seventeenth Street, NW  
Washington, DC 20036  
Email: kecia.reynolds@pillsburylaw.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

**On Behalf of Respondents Direct Technologies International,  
Inc. d/b/a DTI, Inc.**

Andrew R. Kopsidas Esq.  
**FISH & RICHARDSON P.C.**  
1000 Maine Avenue, SW  
Suite 1000  
Washington, DC 20024  
Email: kopsidas@fr.com

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

**In the Matter of**

**CERTAIN REPLACEMENT AUTOMOTIVE  
SERVICE AND COLLISION PARTS AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-1160**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION TERMINATING RESPONDENT DIRECT TECHNOLOGIES  
INTERNATIONAL, INC. BASED ON CONSENT ORDER; ISSUANCE OF CONSENT  
ORDER; FINDING DECLARATION FOR IMMEDIATE RELIEF IS MOOT; REQUEST  
FOR WRITTEN SUBMISSIONS ON REMEDY, THE PUBLIC INTEREST, AND  
BONDING**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined not to review an initial determination (“ID”) (Order No. 36) terminating Direct Technologies International, Inc. on the basis of consent order. The Commission has determined to issue a consent order. The Commission has further determined to find that the complainants’ declaration seeking immediate relief against certain respondents previously found to be in default is moot. The Commission also requests written submissions from the complainants, interested government agencies, and interested persons on the issues of remedy, the public interest, and bonding concerning certain respondents found in default.

**FOR FURTHER INFORMATION CONTACT:** Benjamin S. Richards, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-5453. Copies of non-confidential 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 SW, Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission’s Electronic Docket Information System (“EDIS”) (<https://edis.usitc.gov>). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** On June 7, 2019, the Commission instituted the above-referenced investigation based on a complaint filed by Hyundai Motor America, Inc. of Fountain Valley, California and Hyundai Motor Company of Seoul, Republic of Korea (collectively, “Hyundai”). 84 FR 26703-04 (June 7, 2019). The complaint alleges a violation of

19 U.S.C. 1337, as amended (“Section 337”), in the importation, sale for importation, or sale in the United States after importation of certain gray market Hyundai parts in the categories of belts, body exterior and interior parts, brakes, wheel hubs, cooling system parts, drivetrain parts, electrical parts, emission parts, engine parts, exhaust parts, fuel/air pumps, oil/air/cabin air filters and parts, heat and A/C parts, ignition parts, steering parts, suspension parts, transmission parts, wheels and parts, wiper and washer parts, and accessories that infringe one or more of Hyundai’s U.S. Trademark Registration Nos. 1,104,727; 3,991,863; 1,569,538; and 4,065,195. *Id.* at 26704. The complaint further alleges that a domestic industry exists in the United States. *Id.*

The Commission’s notice of investigation named Direct Technologies International, Inc. (“DTI”) of North Miami Beach, Florida; AJ Auto Spare Parts FZE (“AJ Auto”) and John Auto Spare Parts Co. LLC (“John Auto”), both of Dubai, United Arab Emirates; and Cuong Anh Co. Ltd. (“Cuong Anh”) of Ninh Binh Province, Vietnam as respondents. The Office of Unfair Import Investigations was not named as a party to this investigation.

On November 25, 2019, the Commission determined not to review an initial determination (Order No. 17) granting Hyundai’s unopposed motion to find respondents AJ Auto, John Auto, and Cuong Anh (collectively, the “Defaulting Respondents”) in default. Order No. 17 (Nov. 5, 2019), *not rev’d*, Comm’n Notice (Nov. 25, 2019).

On January 24, 2020, Hyundai filed a declaration seeking immediate entry of a limited exclusion order against the Defaulting Respondents and any of their affiliated companies, parents, subsidiaries, and related business entities, successors or assigns.

On March 5, 2020, the presiding administrative law judge (“ALJ”) issued an initial determination (Order No. 36) granting a joint motion by Hyundai and DTI to terminate the investigation as to DTI on the basis of a consent order. The ALJ found that the consent order stipulation and proposed consent order complied with Commission Rule 210.21(c)(3) and (4) (19 CFR 210.21(c)(3) and (4)). The ALJ also found that termination of this investigation does not impose any undue burdens on the public health and welfare, competitive conditions in the United States economy, production of like or directly competitive articles in the United States, or United States consumers. No petitions for review of the ID were received.

The Commission has determined not to review the subject ID and has determined to issue a consent order. The Commission has further determined that Hyundai’s declaration is now moot given the termination of DTI, the final remaining respondent in this investigation. Finally, the Commission has determined to request briefing on the issues of remedy, bonding, and the public interest.

Section 337(g)(1) (19 U.S.C. 1337(g)(1)) and Commission Rule 210.16(c) (19 CFR 210.16(c)) authorize the Commission, upon request, to issue a limited exclusion order or a cease and desist order or both against a respondent found in default, unless after consideration of the public interest factors in Section 337(g)(1), it finds that such relief should not issue. Accordingly, in connection with the final disposition of this investigation, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered with respect to the Defaulting Respondents, identified above. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for

consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843, Comm'n Op. at 7-10 (December 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and/or cease and desist orders would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's action. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

*Written Submissions:* Complainants, interested government agencies, and any other interested persons are encouraged to file written submissions on the issues of remedy, the public interest, and bonding.

In their initial submission, complainants are requested to identify the form of the remedy sought and to submit proposed remedial orders for the Commission's consideration. Complainants are also requested to state the date that the asserted patents expire, the HTSUS subheadings under which the products at issue are imported, and to supply the identification information for all known importers of the products at issue in this investigation. Initial written submissions regarding remedy, bonding, and the public interest and proposed remedial orders must be filed no later than close of business on **April 9, 2020**. Reply submissions must be filed no later than the close of business on **April 16, 2020**. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements are currently waived. Submissions should refer to the investigation number ("Inv. No. 337-TA-1160") in a prominent place on the cover page and/or the first page. (See Handbook on Filing Procedures, [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf)). Persons with questions regarding filing should contact the Secretary at (202) 205-2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 210.6. Documents for which confidential treatment by the Commission is sought will be

treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel<sup>1</sup> solely for cybersecurity purposes. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

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 part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.



Lisa R. Barton  
Secretary to the Commission

Issued: March 26, 2020

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<sup>1</sup> All contract personnel will sign appropriate nondisclosure agreements.

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served on the following parties as indicated, on 3/26/2020.



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

**On Behalf of Complainants Hyundai Motor America, Inc.  
and Hyundai Motor Company:**

Kecia Reynolds, Esq.  
**PILLSBURY WINTHROP SHAW PITTMAN LLP**  
1200 Seventeenth Street, NW  
Washington, DC 20036  
Email: kecia.reynolds@pillsburylaw.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

**On Behalf of Respondents Direct Technologies International, Inc.  
d/b/a DTI, Inc.**

Andrew R. Kopsidas Esq.  
**FISH & RICHARDSON P.C.**  
1000 Maine Avenue, SW  
Suite 1000  
Washington, DC 20024  
Email: kopsidas@fr.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

**In the Matter of**

**CERTAIN REPLACEMENT  
AUTOMOTIVE SERVICE AND  
COLLISION PARTS AND COMPONENTS  
THEREOF**

**Inv. No. 337-TA-1160**

**ORDER NO. 36: INITIAL DETERMINATION GRANTING JOINT MOTION TO  
TERMINATE RESPONDENT DIRECT TECHNOLOGIES  
INTERNATIONAL, INC. BASED ON CONSENT ORDER;  
TERMINATING THE INVESTIGATION IN ITS ENTIRETY**

(March 5, 2020)

On February 20, 2020, Complainants Hyundai Motor Company and Hyundai Motor America, Inc. (collectively, “Hyundai”) and Respondent Direct Technologies International, Inc. (“DTI”) filed a joint motion (1160-031) to terminate this Investigation based on a consent order stipulation and a proposed consent order.<sup>1</sup>

In accordance with Commission Rule 210.21(c)(1)(ii), Hyundai and DTI have entered into a “Consent Order Stipulation” and a proposed “Consent Order,” attached hereto as Attachments A and B. Hyundai and DTI submit that all agreements between them concerning the subject matter of this Investigation are attached as confidential exhibits to their motion. Mem. at 6-7. Consistent with 19 C.F.R. § 210.21(c), they confirm that “[t]here are no other agreements, written or oral, express or implied, . . . concerning the subject matter of this Investigation.” *Id.* at 7.

Commission Rule 210.21(c)(3) sets forth certain requirements for the contents of a consent order stipulation. *See* 19 C.F.R. § 210.21(c)(3). The Consent Order Stipulation submitted by the parties complies with the requirements of Commission Rule 210.21(c)(3). *See* Attachment A.

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<sup>1</sup> DTI is the only remaining respondent in this Investigation. The other named respondents have been found in default.

Specifically, DTI agrees that upon entry of the Consent Order:

DTI . . . will not sell for importation, import into the United States, sell after importation, distribute, or otherwise transfer (other than exportation) the Accused Parts that infringe the Asserted Trademarks in the United States, directly or indirectly, and shall not aid, abet, encourage, participate in, or induce the sale for importation, the importation, the sale after importation, distribution, or otherwise transfer the Accused Parts, except under consent, license from Complainants, or to the extent permitted by a settlement agreement between Hyundai and DTI.

Consent Order Stip. ¶ 3. Pursuant to Commission Rule 210.21(c)(3)(i), DTI also agrees to:

- (1) admit that the Commission has *in rem* jurisdiction over the subject matter of this Investigation, and *in personam* jurisdiction over Respondents (*see* Consent Order Stip. ¶ 1);
- (2) expressly waive all rights to seek judicial review or otherwise challenge or contest the validity of the Consent Order (*id.* at ¶ 5);
- (3) cooperate with and not seek to impede by litigation or other means the Commission's efforts to gather information under Subpart I of the Commission's Rules of Practice and Procedure (*id.* at ¶ 6); and
- (4) the enforcement, modification, or revocation of the Consent Order being carried out pursuant to Subpart I of Part 210 of 19 C.F.R. § 210 (*id.* at ¶ 7).

Because this is an intellectual property-based investigation and in accordance with Commission Rule 210.21(c)(3)(ii), the Consent Order Stipulation also states that:

- (1) the Consent Order shall not apply with respect to any claims of any intellectual property right that has expired or been found or adjudicated invalid or unenforceable by the Commission or a court or agency of competent jurisdiction, provided that such finding or judgment has become final and non-reviewable (*id.* at ¶ 9); and
- (2) DTI (including DTI's officers, directors, employees, agents, or any entity or individual acting on DTI's behalf and with DTI's authority) will not seek to challenge the validity of the intellectual property rights of the Asserted Trademarks in any administrative or judicial proceeding to enforce the Consent Order (*id.* at ¶ 10).

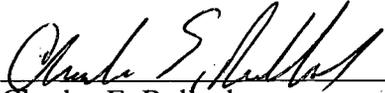
Additionally, Commission Rule 210.21(c)(4) sets forth certain requirements for the contents of the consent order. *See* 19 C.F.R. § 210.21(c)(4). The Consent Order submitted by the parties complies with the requirements of Commission Rule 210.21(c)(4). *See* Attachment B.

In any initial determination terminating an investigation by settlement agreement or consent order, the administrative law judge is directed to consider and make appropriate findings regarding the effect of the proposed settlement on the public health and welfare, competitive conditions in the United States economy, production of like or directly competitive articles in the United States, and United States consumers. 19 C.F.R. § 210.50(b)(2). Hyundai and DTI assert that granting the joint motion is “in the public interest as it conserves judicial and private party resources.” Mem. at 9. The undersigned finds that termination of this Investigation does not impose any undue burdens on the public health and welfare, competitive conditions in the United States economy, production of like or directly competitive articles in the United States, or United States consumers.

Accordingly, for good cause shown, it is the undersigned’s Initial Determination that the joint motion (1160-031) to terminate this Investigation in its entirety based on a consent order stipulation and proposed consent order be granted.

This Initial Determination, along with supporting documentation, is hereby certified to the Commission. 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 of the Initial Determination 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, herein.

**SO ORDERED.**

  
\_\_\_\_\_  
Charles E. Bullock  
Chief Administrative Law Judge

**PUBLIC VERSION**

# **ATTACHMENT A**

**PUBLIC VERSION**

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC**

**Before the Honorable Charles E. Bullock  
Chief Administrative Law Judge**

In the Matter of

CERTAIN REPLACEMENT  
AUTOMOTIVE SERVICE AND  
COLLISION PARTS AND COMPONENTS  
THEREOF

Investigation No. 337-TA-1160

**DTI'S CONSENT ORDER STIPULATION**

**WHEREAS**, Hyundai Motor Company and Hyundai Motor America, Inc. (collectively “Complainants”) filed a Complaint before the United States International Trade Commission (the “Commission”) on May 3, 2019, and a supplement to the complaint was filed on May 21 and May 23, 2019. The complaint, as supplemented, alleges violations of Section 337 in the alleged importation into the United States, sale for importation into the United States, and/or sale within the United States after importation of certain replacement automotive service and collision parts and components thereof that allegedly infringe U.S. Registered Trademark Nos. 1104727, 3991863, 1569538, and 4065195 (“Asserted Trademarks”).

**WHEREAS**, Complainants allege that Respondents DTI, AJ Auto Spare Parts FZE (“AJ Auto”), John Auto Spare Parts Co. LLC (“John Auto”), and Cuong Anh Co. Ltd. (Cuong Anh”) (collectively “Respondents”) infringe the Asserted Trademarks by way of selling for importation, importing, and selling after importation Hyundai-branded replacement automotive service and collision parts and components thereof (“Accused Parts”).

**WHEREAS**, DTI acknowledges that Respondents AJ Auto and Cuong Anh supplied

**PUBLIC VERSION**

DTI with Accused Parts;

**WHEREAS**, DTI has commercially significant inventory of Accused Parts in the United States;

**WHEREAS**, Respondents AJ Auto, Cuong Anh, and John Auto have defaulted;

**WHEREAS**, DTI enters into this Consent Order Stipulation and agrees to entry of a Consent Order from the Commission to settle this dispute with Hyundai and terminate this Investigation as to DTI;

**WHEREAS**, DTI agrees to the entry of a Consent Order by the Commission in the form attached hereto as Attachment B in order to terminate this Investigation as to DTI;

**NOW THEREFORE**, pursuant to Commission Rule 210.21(c)(1)(ii) and (c)(3) (19 C.F.R. § 210.21(c)(1)(ii) and (c)(3)), DTI stipulates and agrees as follows:

1. The Commission has *in rem* jurisdiction over the Accused Parts that are the basis of this Investigation, subject matter jurisdiction over this Investigation, and personal jurisdiction over DTI for purposes of this Consent Order.

2. Complainants allege that DTI imports and sells the Accused Parts and that infringe the Asserted Trademarks.

3. Upon entry of the Consent Order, DTI (including DTI's officers, directors, employees, agents, or any entity or individual acting on DTI's behalf and with DTI's authority) will not sell for importation, import into the United States, sell after importation, distribute, or otherwise transfer (other than exportation) the Accused Parts that infringe the Asserted Trademarks in the United States, directly or indirectly, and shall not aid, abet, encourage, participate in, or induce the sale for importation, the importation, the sale after importation, distribution, or otherwise transfer the Accused Parts, except under consent, license from Complainants, or to the extent

## PUBLIC VERSION

permitted by a settlement agreement between Hyundai and DTI.

4. DTI has commercially significant inventory in the United States of Accused Parts that infringe the Asserted Trademarks, and DTI (including DTI's officers, directors, employees, agents, or any entity or individual acting on DTI's behalf and with DTI's authority), except under consent, license from Complainants, or to the extent permitted by a settlement agreement between Hyundai and DTI, shall cease and desist from importing and distributing articles covered by the Asserted Trademarks.

5. DTI and its officers, directors, employees, agents, and any entity or individual acting on its behalf and with its authority expressly waive all rights to seek judicial review or otherwise challenge or contest the validity of the Consent Order.

6. DTI will cooperate with and will not seek to impede by litigation or other means the Commission's efforts to gather information under subpart I of the Commission's Rules of Practice and Procedure, 19 C.F.R. Part 210.

7. The enforcement, modification, and revocation of the Consent Order will be carried out pursuant to Subpart I of Part 210, Title 19 Code of Federal Regulations, incorporating by reference the Commission's Rules of Practice and Procedure.

8. The Consent Order shall have the same force and effect and may be enforced, modified or revoked in the same manner as is provided in Section 337 of the Tariff Act of 1930 and Part 210, Title 19 of the Code of Federal Regulations for other Commission actions, and the Commission may require periodic compliance reports pursuant to subpart I of Part 210, Title 19 of the Code of Federal Regulations to be submitted by DTI.

9. If any of the Asserted Trademarks has expired or is held invalid or unenforceable by a court or agency of competent jurisdiction, or if any articles has been found or adjudicated not to

**PUBLIC VERSION**

infringe the Asserted Trademark in a final decision, no longer subject to appeal, this Consent Order shall become null and void as to such expired, invalid, or unenforceable trademark or as to any adjudicated article.

10. DTI (including DTI's officers, directors, employees, agents, or any entity or individual acting on DTI's behalf and with DTI's authority) will not seek to challenge the validity of the intellectual property rights of the Asserted Trademarks in any administrative or judicial proceeding to enforce the Consent Order.

Attested to and signed on this 20 day of February, 2020 in Miami Gardens, Florida,  
USA.

  
\_\_\_\_\_  
Dmitriy Yurchenko  
**On behalf of Respondent Direct  
Technologies International, Inc. d/b/a  
DTI Inc.**

**PUBLIC VERSION**

# **ATTACHMENT B**

**PUBLIC VERSION**

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, DC**

**Before the Honorable Charles E. Bullock  
Chief Administrative Law Judge**

In the Matter of

CERTAIN REPLACEMENT  
AUTOMOTIVE SERVICE AND  
COLLISION PARTS AND COMPONENTS  
THEREOF

Investigation No. 337-TA-1160

**[PROPOSED] CONSENT ORDER**

The U.S. International Trade Commission (“Commission”) has instituted an investigation at the request of Complainants Hyundai Motor Company and Hyundai Motor America, Inc. (collectively “Hyundai” or “Complainants”) against Respondent Direct Technologies International, Inc. d/b/a DTI, Inc. (“DTI” or “Respondent”). The Complaint, as supplemented, alleges violations of 19 U.S.C. § 1337 based upon the sale for importation into the United States, importation into the United States, and/or sale after importation into the United States of Hyundai-branded replacement automotive service and collision parts and components thereof (“Accused Parts”) that infringe U.S. Trademark Reg. Nos. 1104727, 3991863, 1569538, and 4065195 (“Asserted Trademarks”). The Commission instituted this investigation on June 3, 2019, and the Notice of Institution was published in the Federal Register on June 7, 2019. 84 *Fed. Reg.* 26703.

DTI has executed a Consent Order Stipulation and moved with Complainants for an Initial Determination terminating this investigation by entry of a Consent Order.

Upon entry of the Consent Order, DTI (including DTI’s officers, directors, employees,

## PUBLIC VERSION

agents, or any entity or individual acting on DTI's behalf and with DTI's authority) shall not directly or indirectly sell for importation, import into the United States, sell after importation, distribute, or otherwise transfer the Accused Parts that infringe the Asserted Trademarks, except under consent, license from Complainants, or to the extent permitted by a settlement agreement between Hyundai and DTI. DTI (including DTI's officers, directors, employees, agents, or any entity or individual acting on DTI's behalf and with DTI's authority) shall not aid, abet, encourage, participate in, or induce the sale for importation, the importation, the sale after importation, distribution, or otherwise transfer the Accused Parts except under consent, license from Complainants, or to the extent permitted by a settlement agreement between Hyundai and DTI.

DTI stipulates that it has commercially significant inventory of the Accused Parts in the United States. DTI (including DTI's officers, directors, employees, agents, or any entity or individual acting on DTI's behalf and with DTI's authority) shall cease and desist from importing and distributing the Accused Parts, except under consent, license from Complainants, or to the extent permitted by a settlement agreement between Hyundai and DTI.

DTI (including DTI's officers, directors, employees, agents, or any entity or individual acting on DTI's behalf and with DTI's authority) shall be precluded from seeking judicial review or otherwise challenging or contesting the validity of the Consent Order.

DTI shall cooperate with and shall not seek to impede by litigation or other means the Commission's efforts to gather information under subpart I of the Commission's Rules of Practice and Procedure, 19 C.F.R. Part 210.

DTI and its officers, directors, employees, agents, and any entity or individual acting on its behalf and with its authority shall not seek to challenge the validity or enforceability of the

**PUBLIC VERSION**

Asserted Trademarks in any administrative or judicial proceeding to enforce the Consent Order.

When an Asserted Trademark expires the Consent Order shall become null and void as to such trademark. If any trademark is held invalid or unenforceable by a court or agency of competent jurisdiction or as to any article has been found or adjudicated not to infringe the Asserted Trademarks in a final decision, no longer subject to appeal, this Consent Order shall become null and void as to such invalid or unenforceable claim.

All jurisdictional facts are admitted by stipulation. The Commission has in rem jurisdiction and personal jurisdiction.

This investigation is hereby terminated with respect to DTI; provided, however, that enforcement, modification, or revocation of the Consent Order shall be carried out pursuant to Subpart I of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

This motion is hereby **GRANTED** and it is **SO ORDERED** on this \_\_\_ day of \_\_\_\_\_, 2020.

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Charles E. Bullock  
Chief Administrative Law Judge

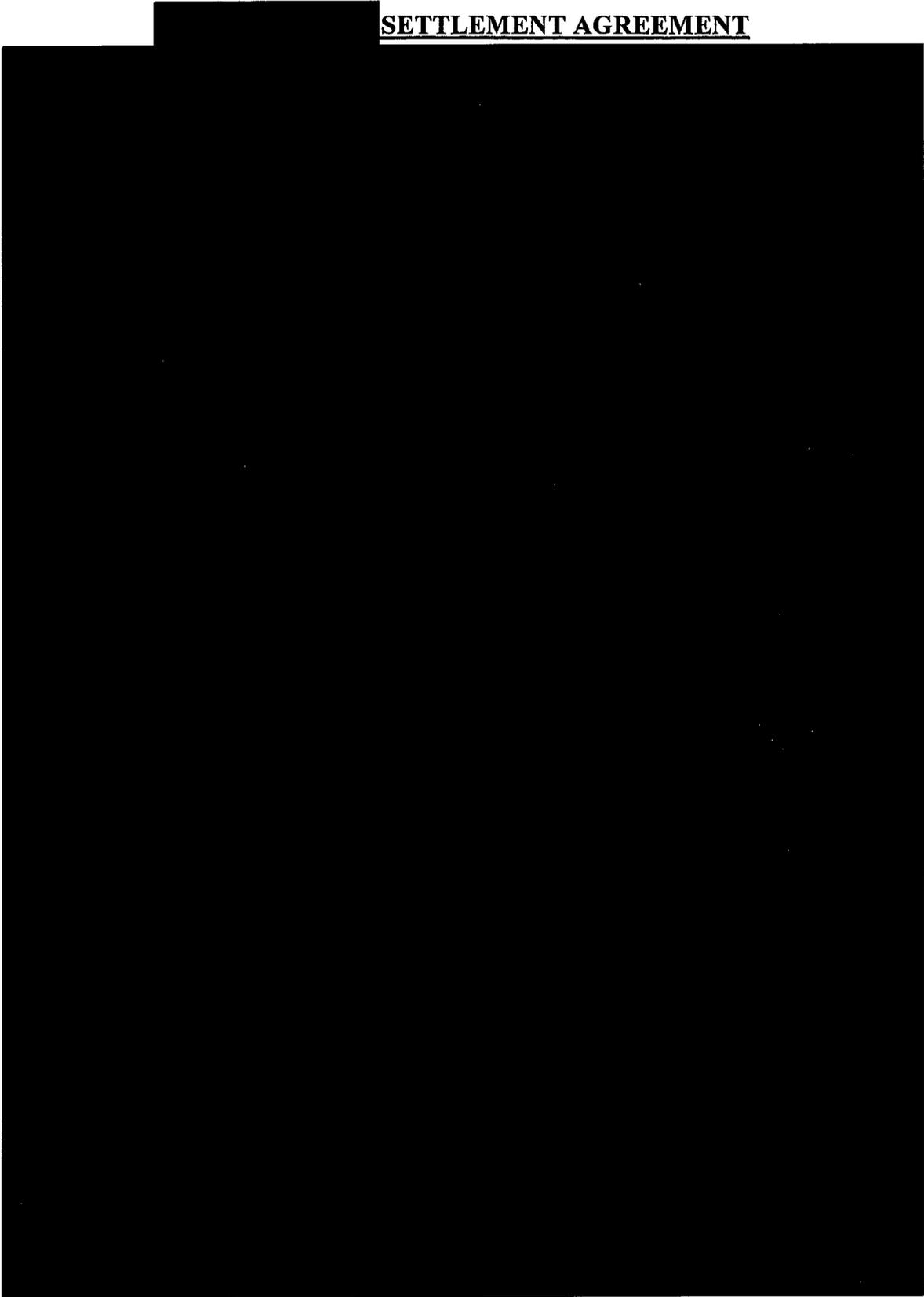
PUBLIC VERSION

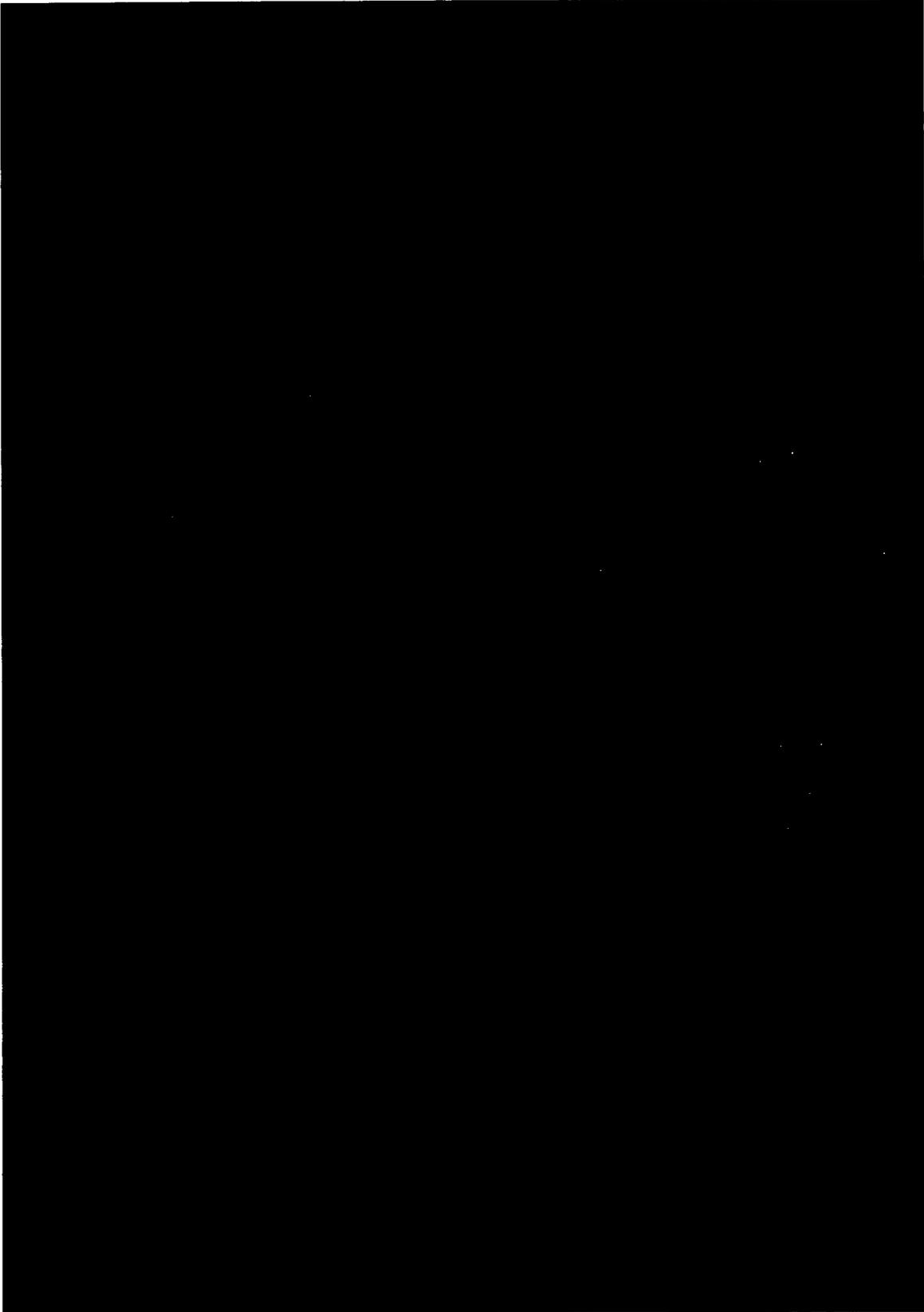


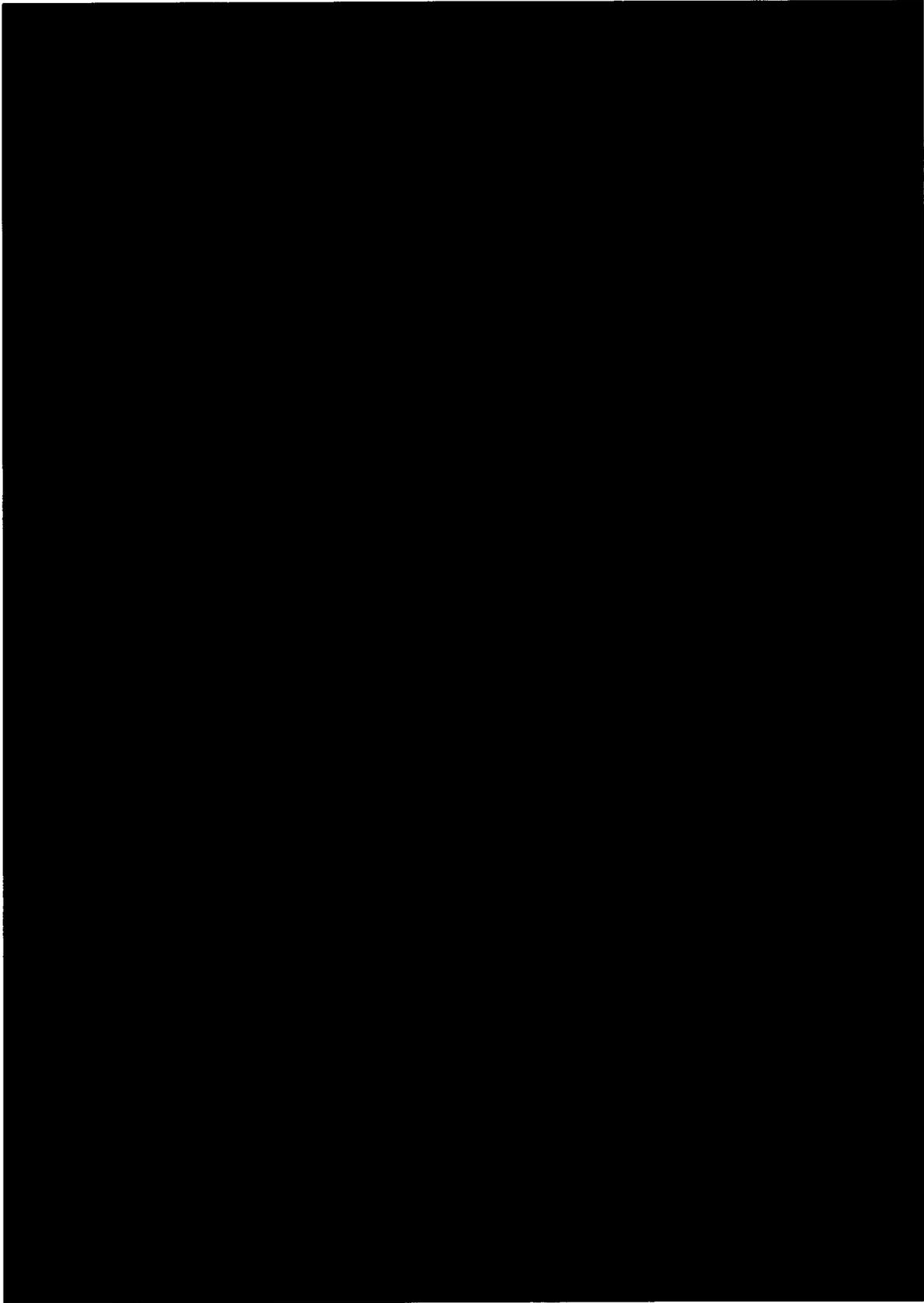
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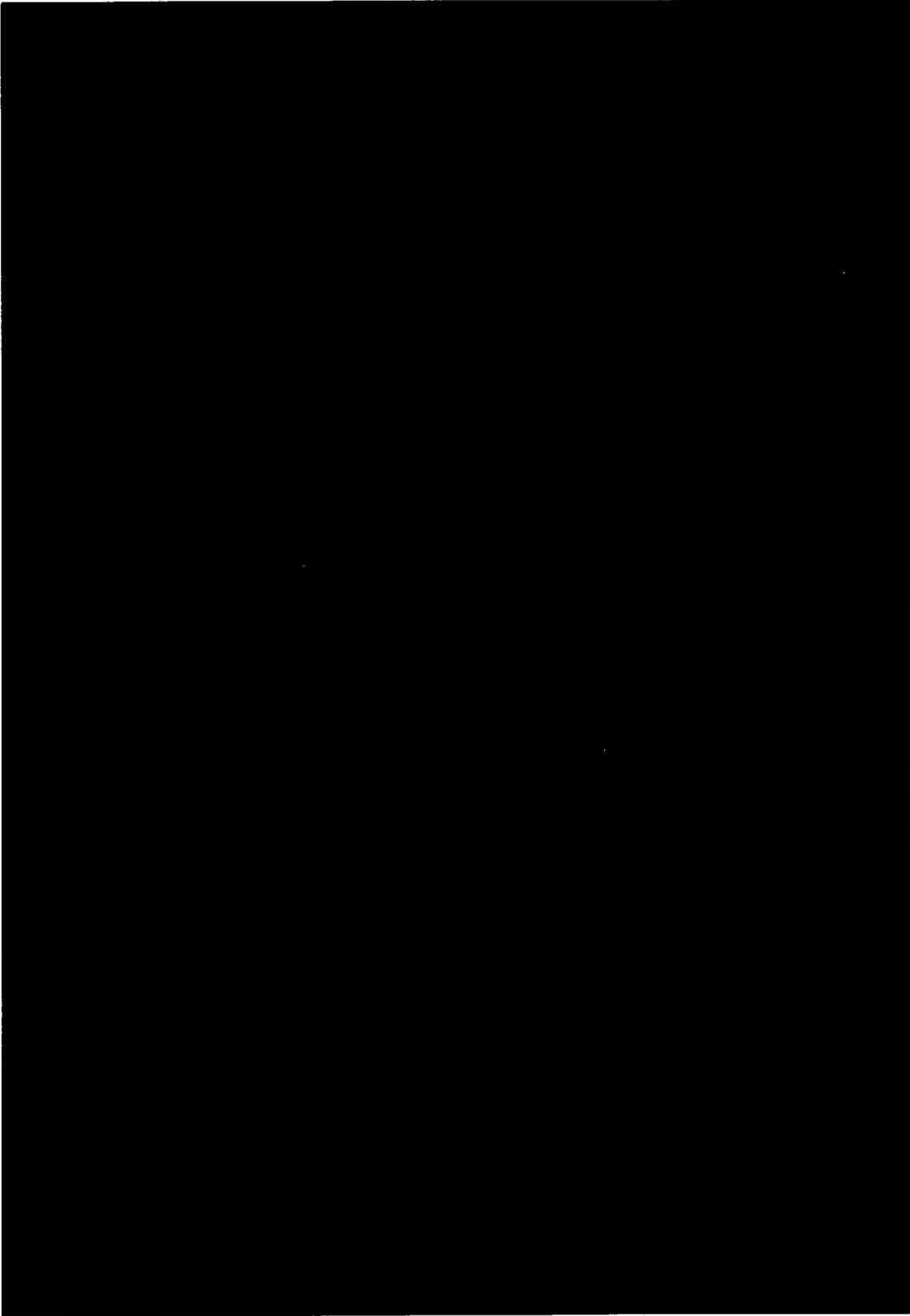
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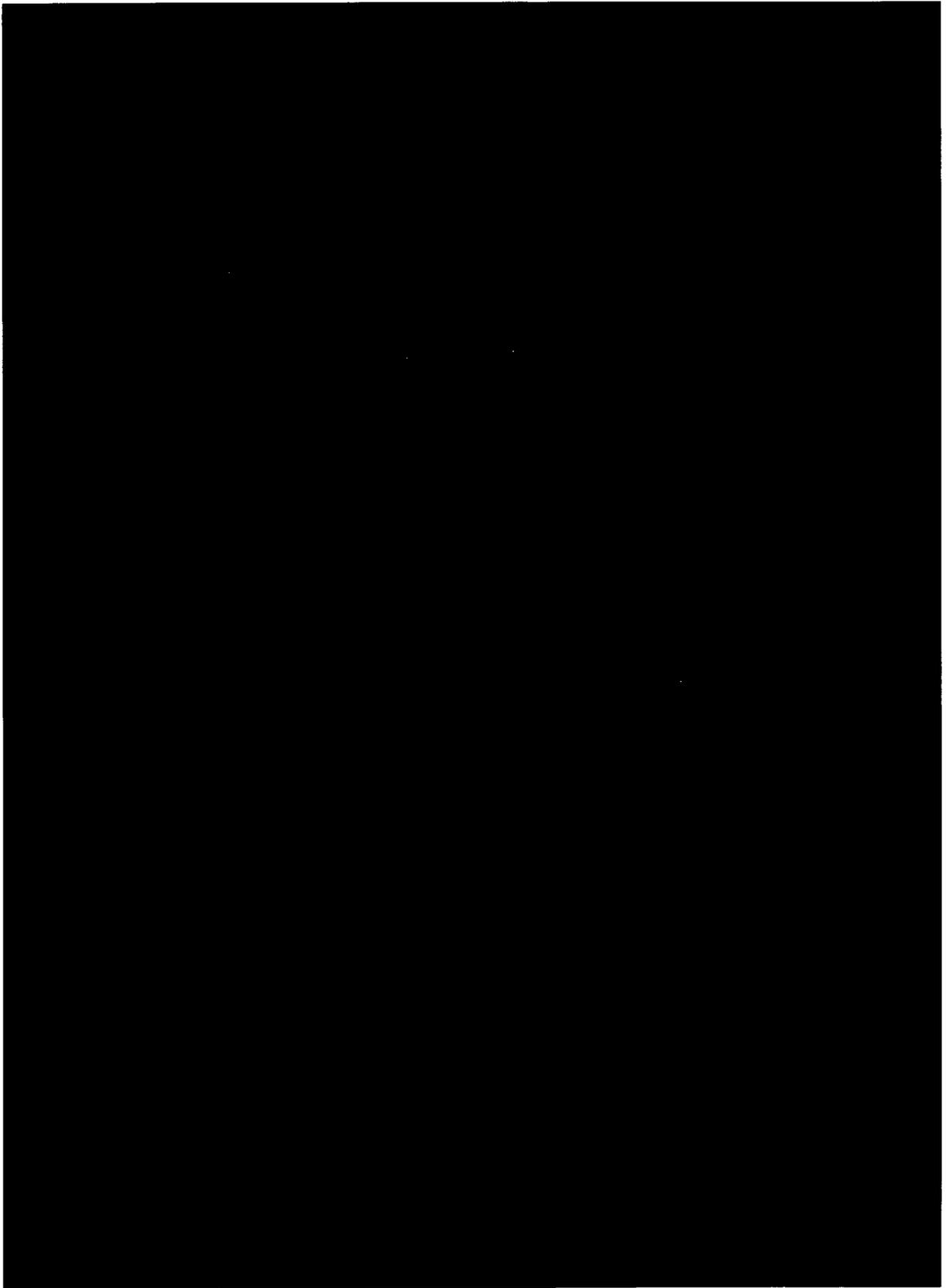
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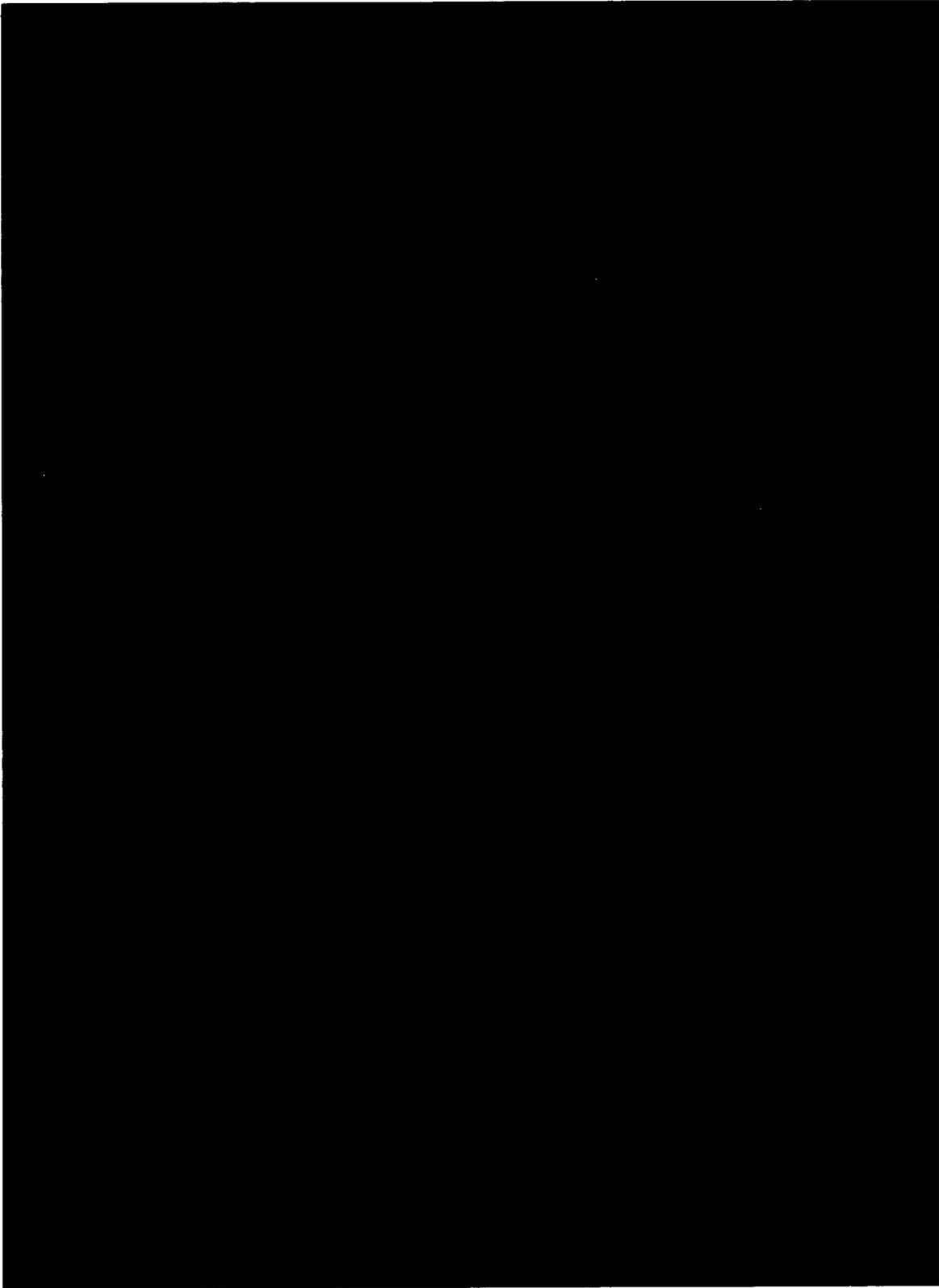


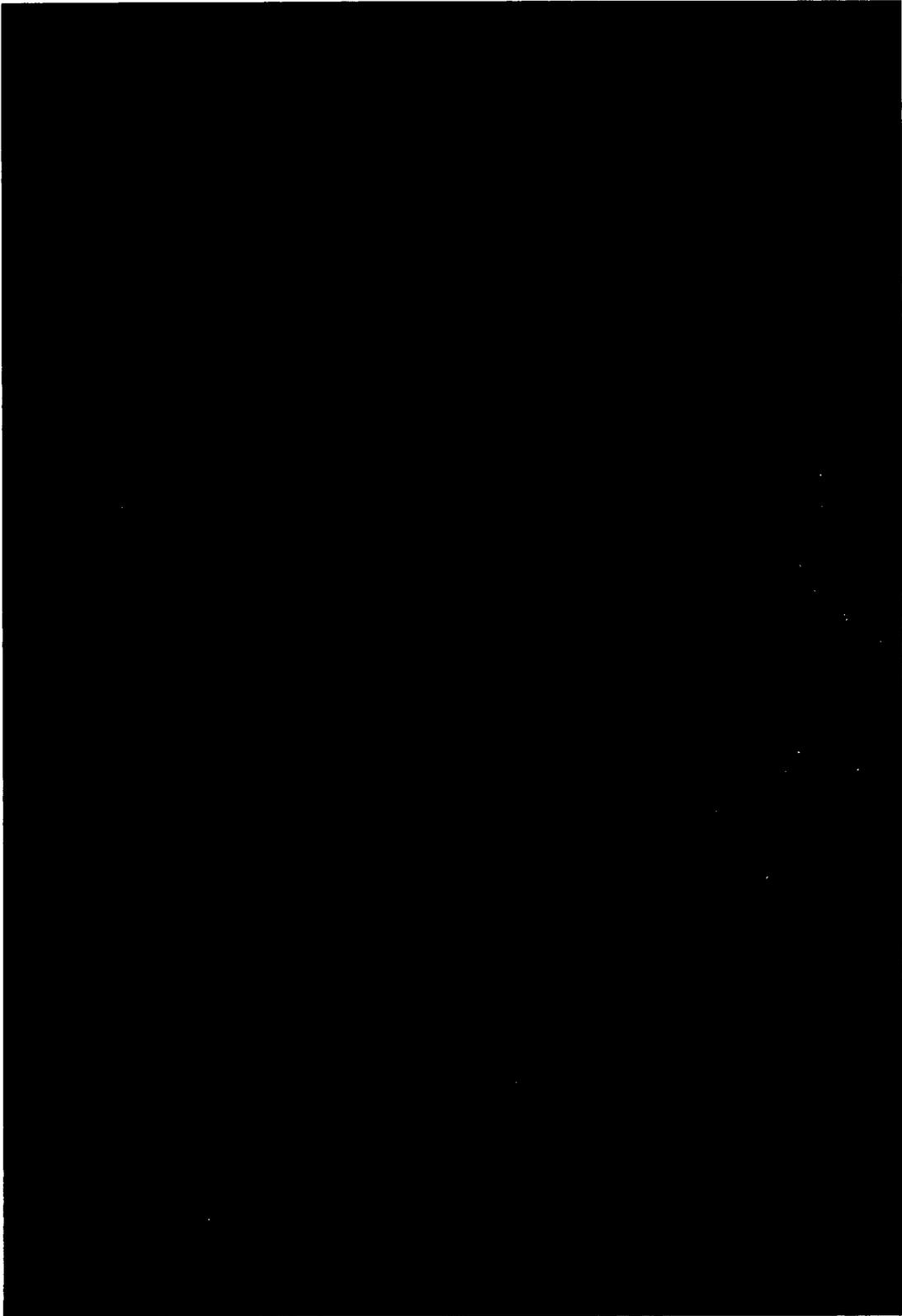


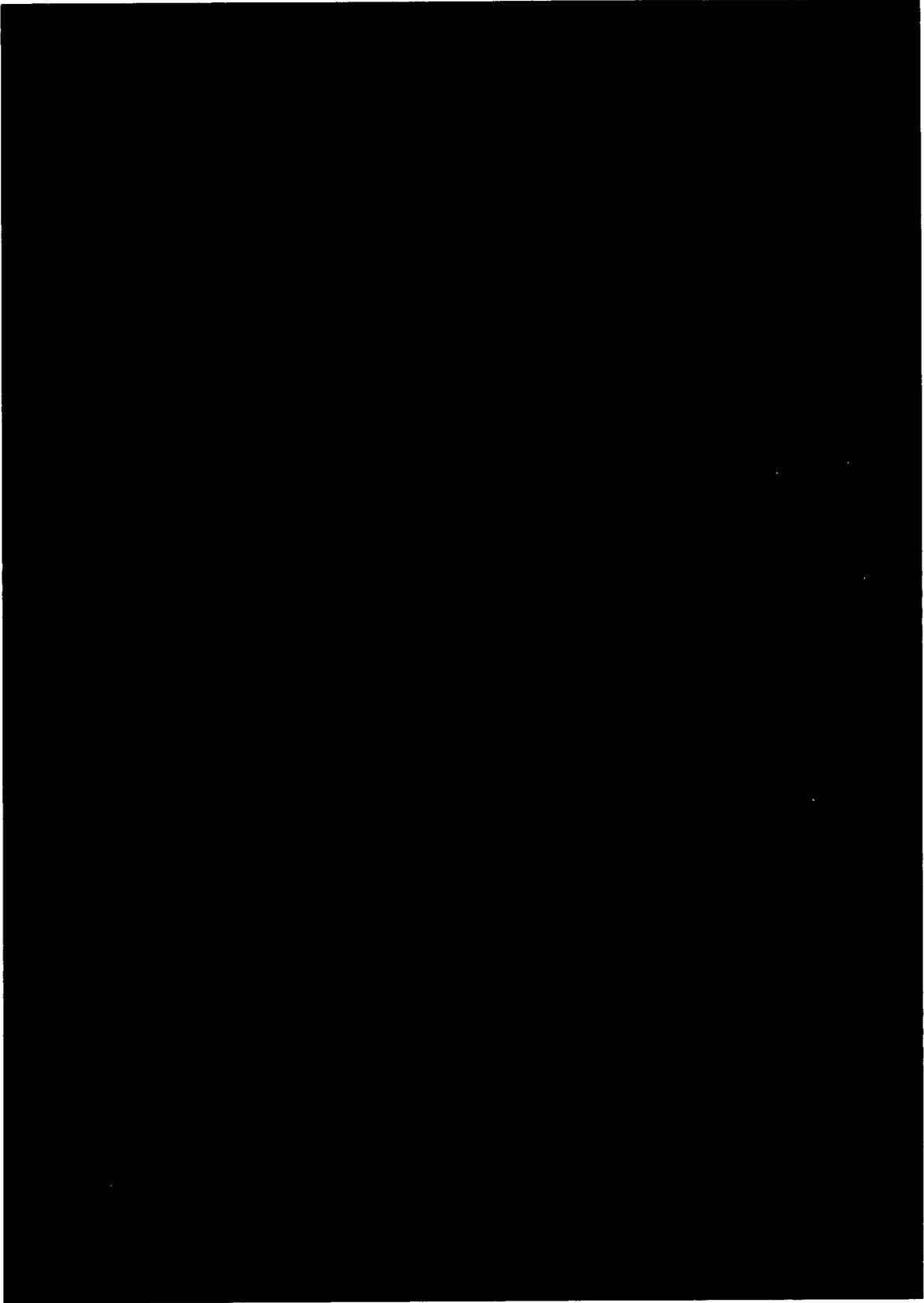


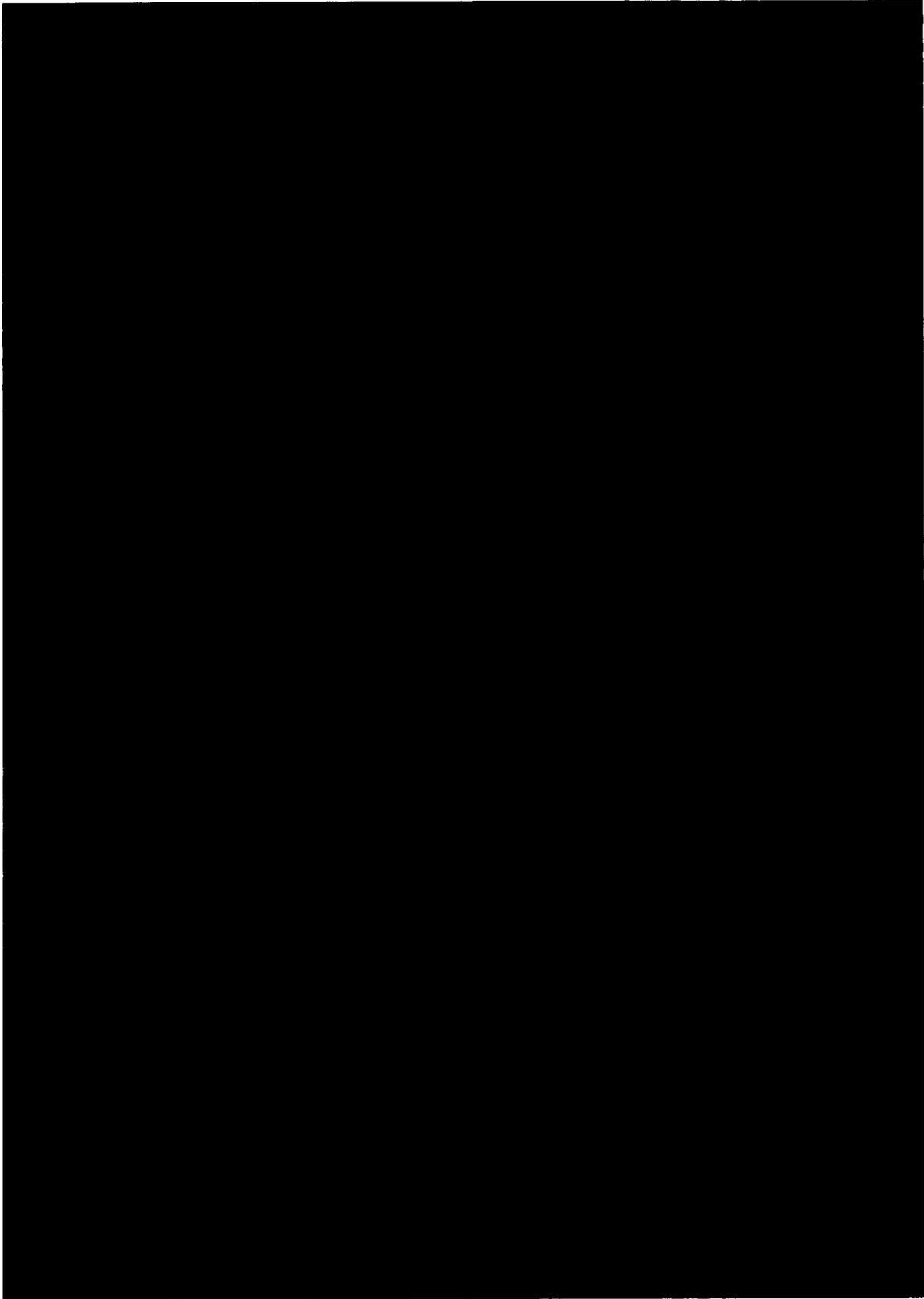


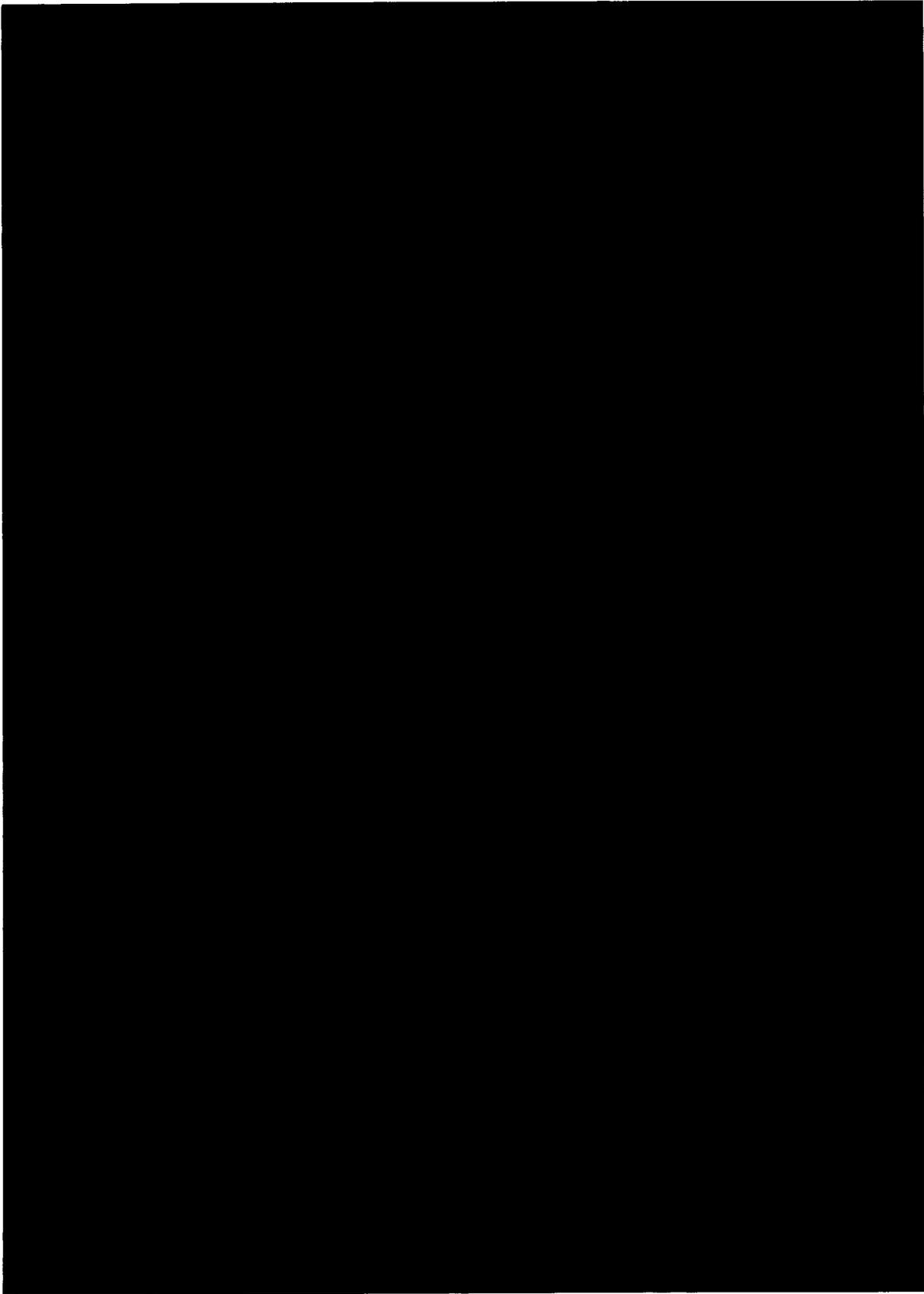


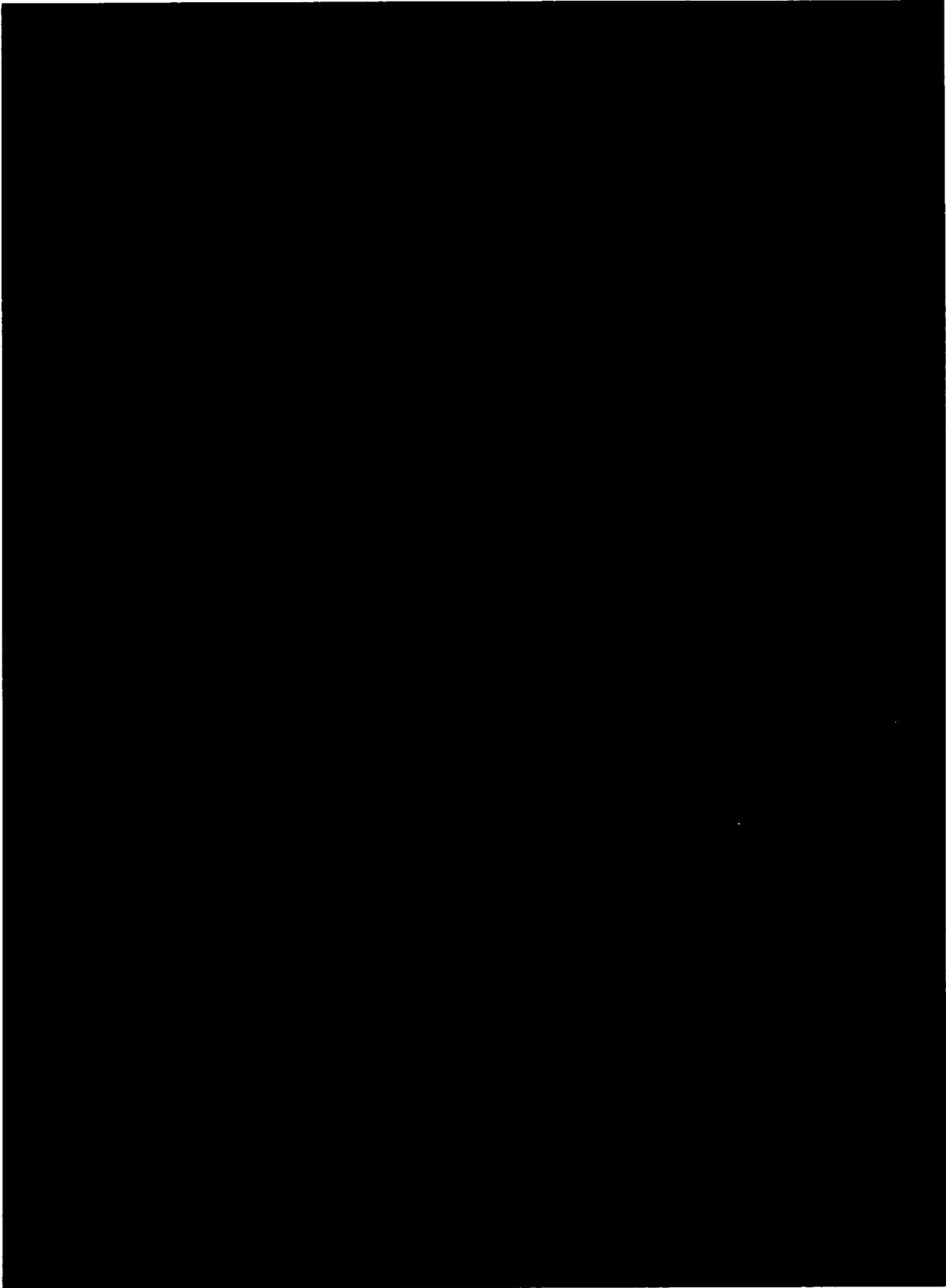


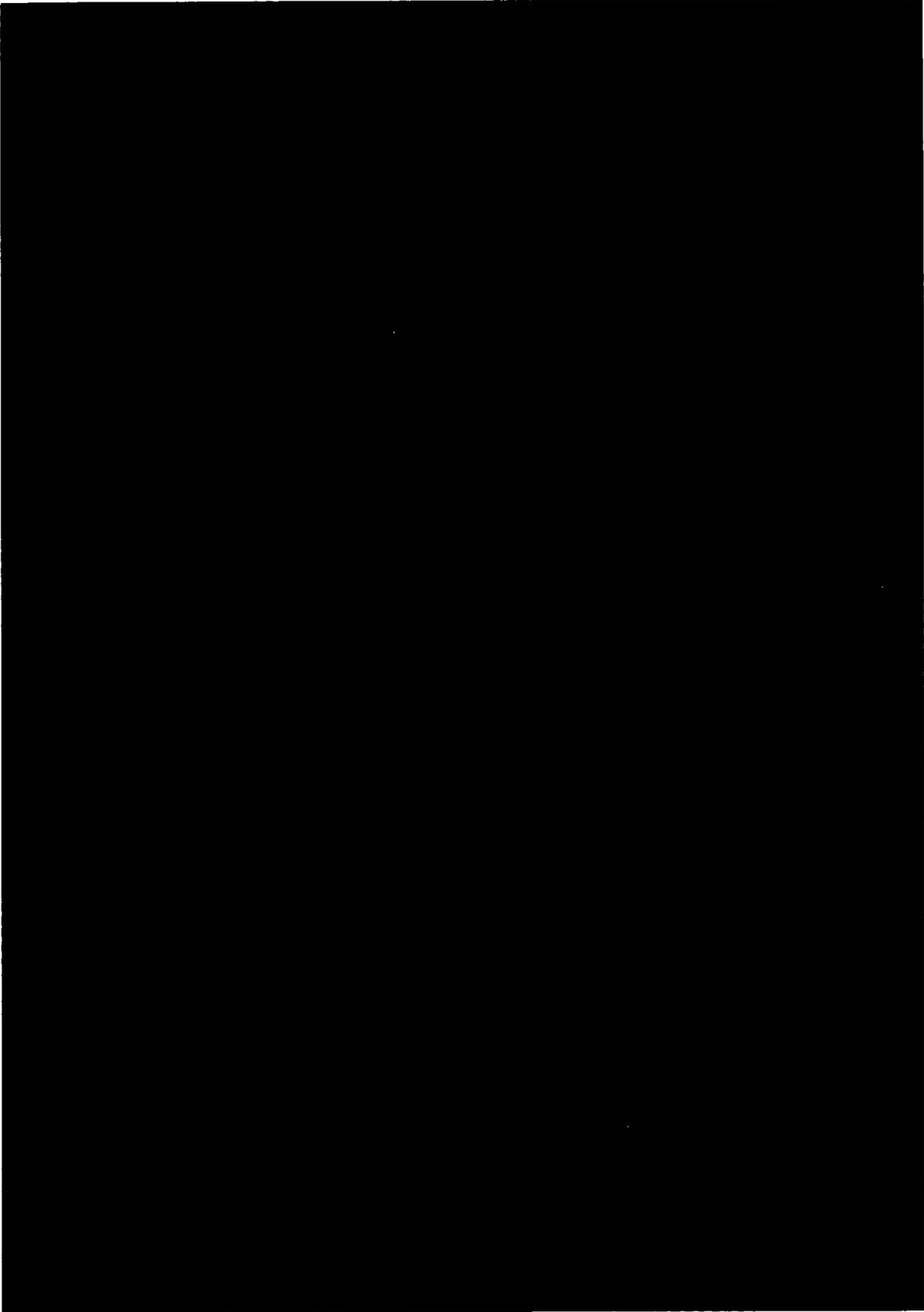


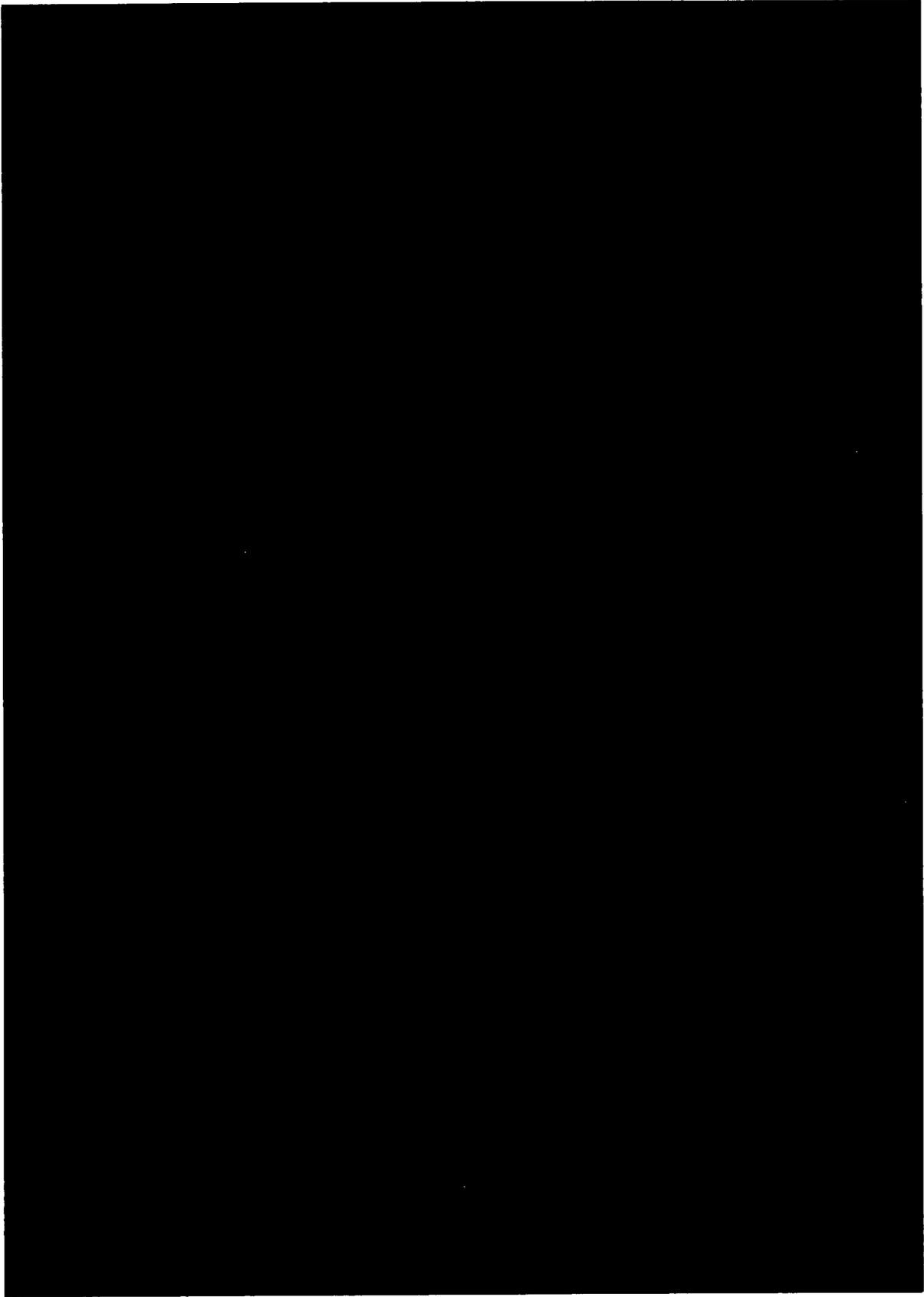


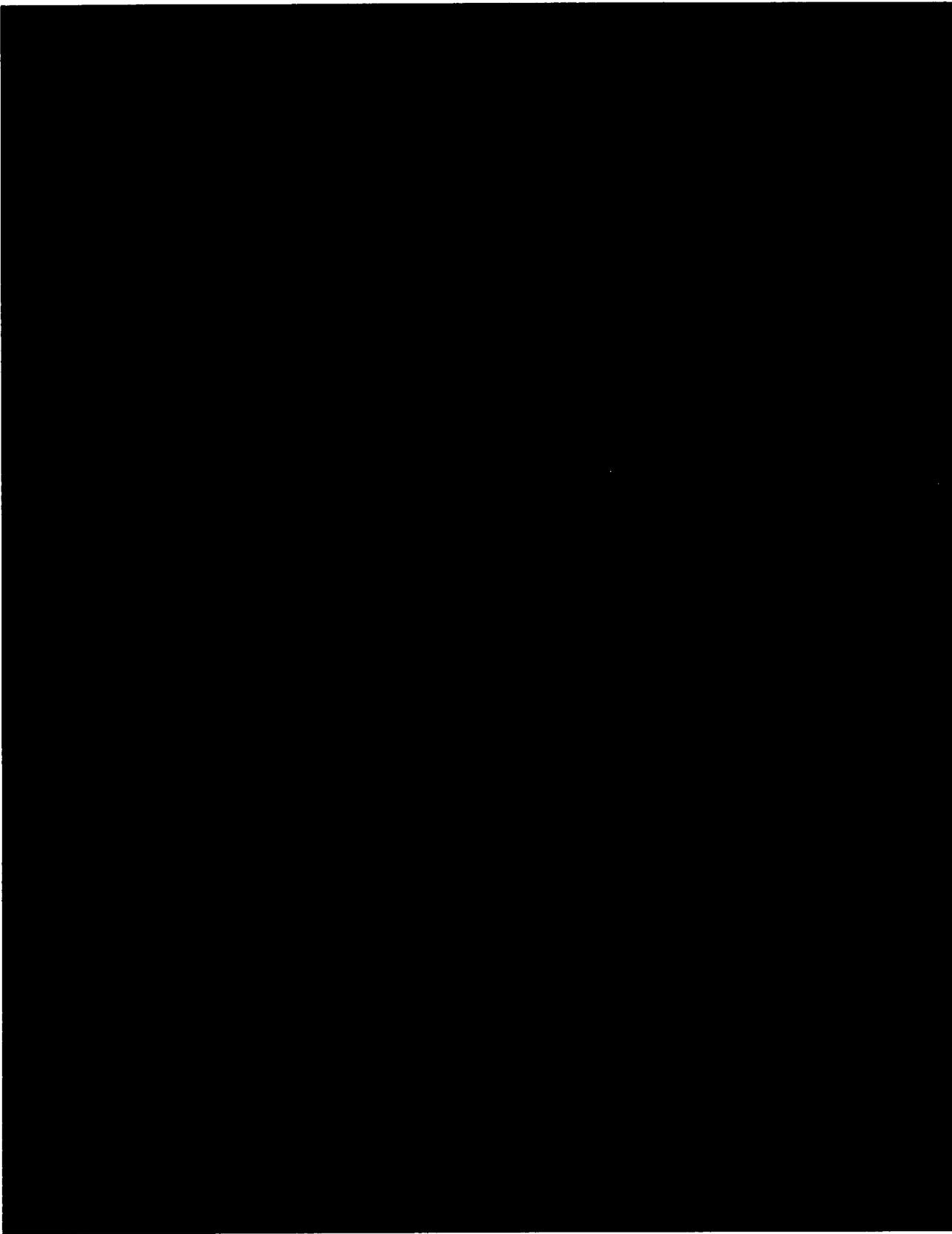


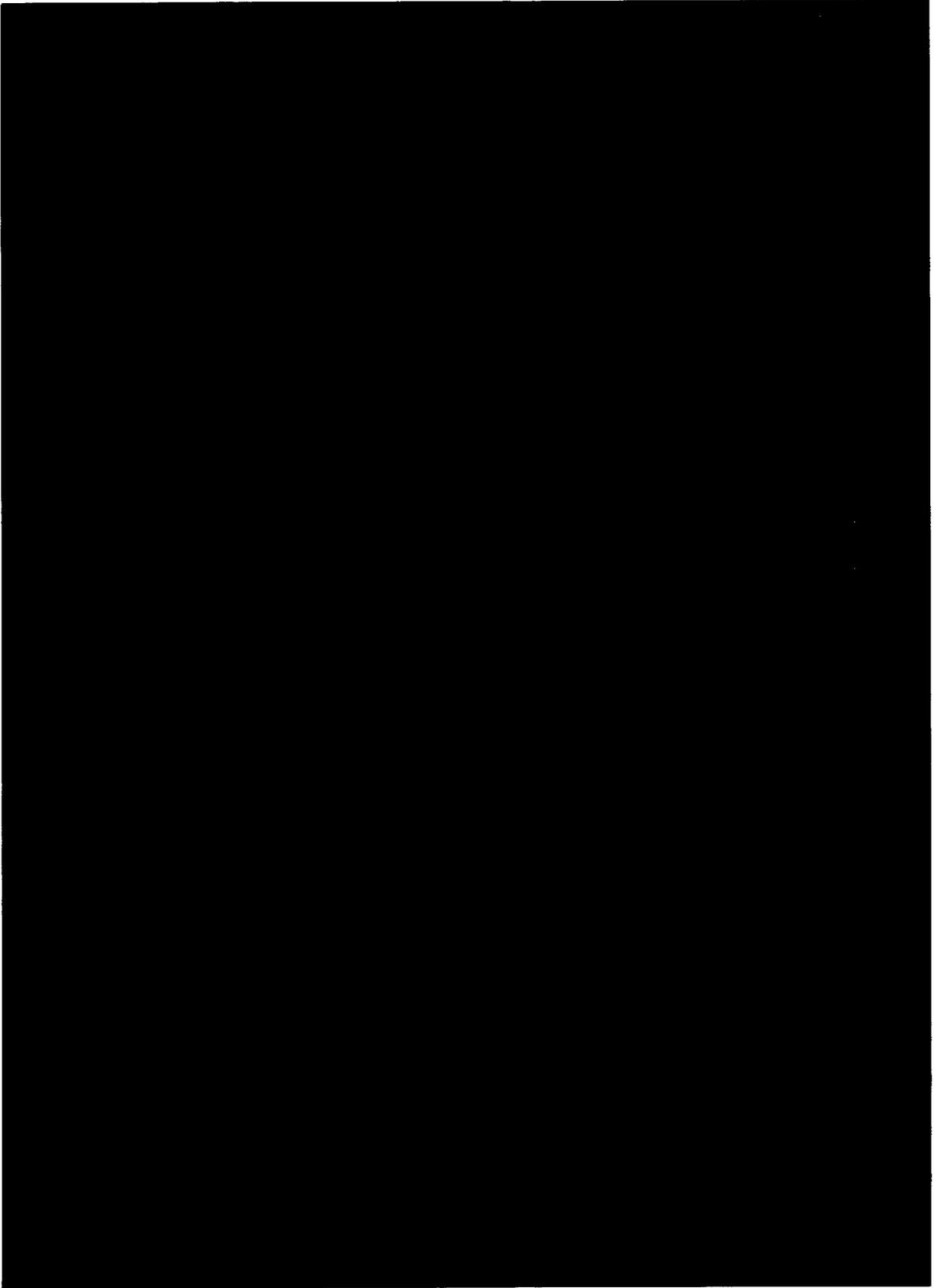


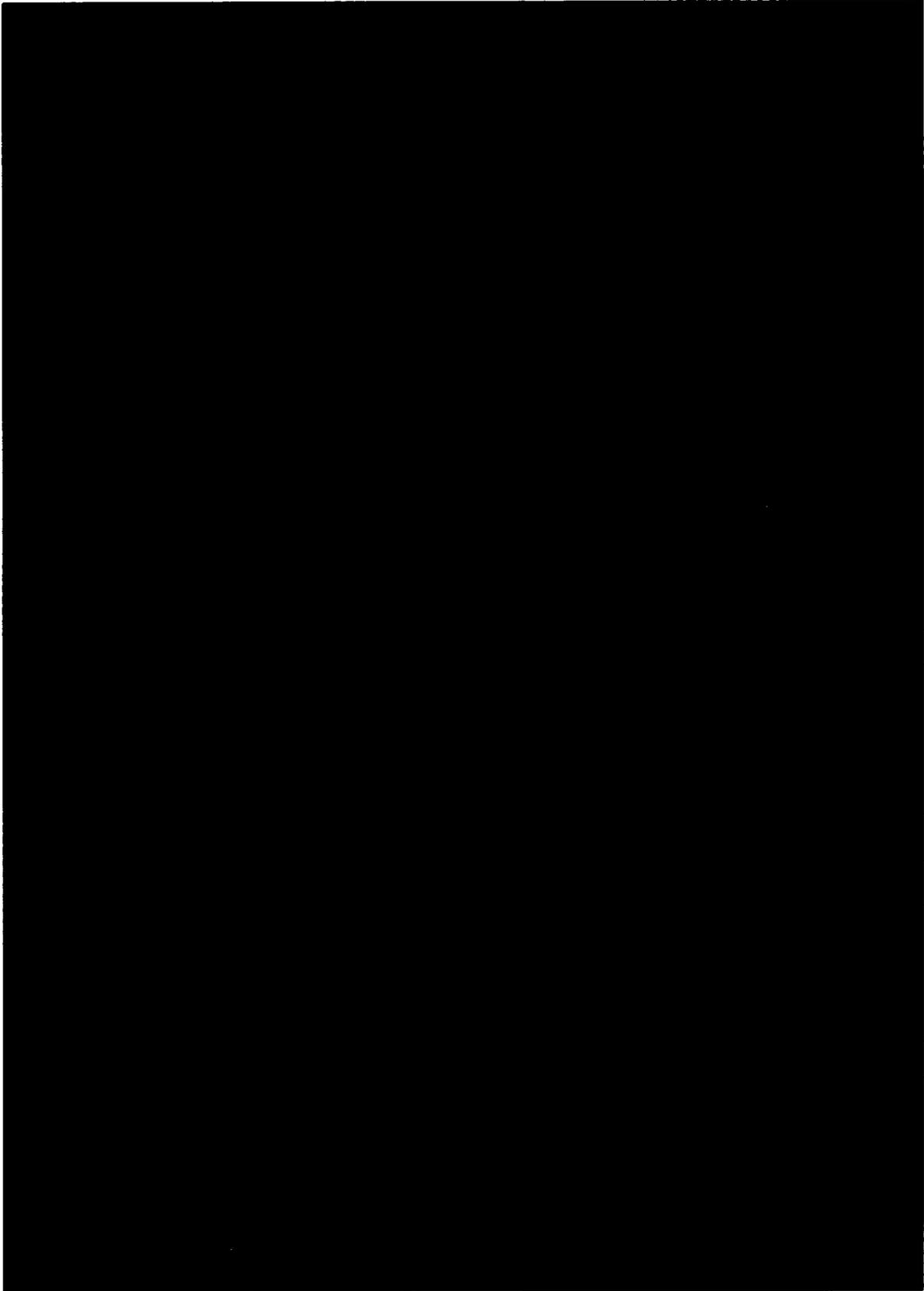


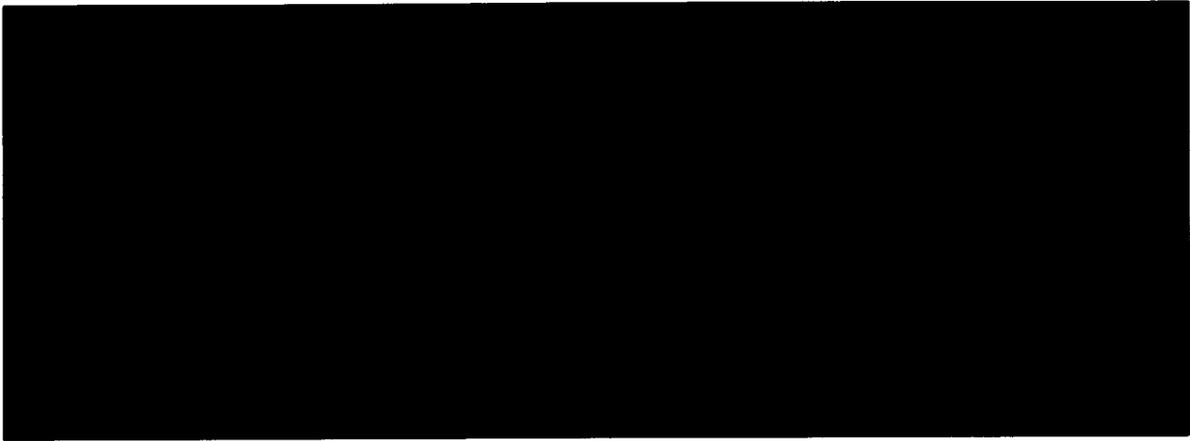




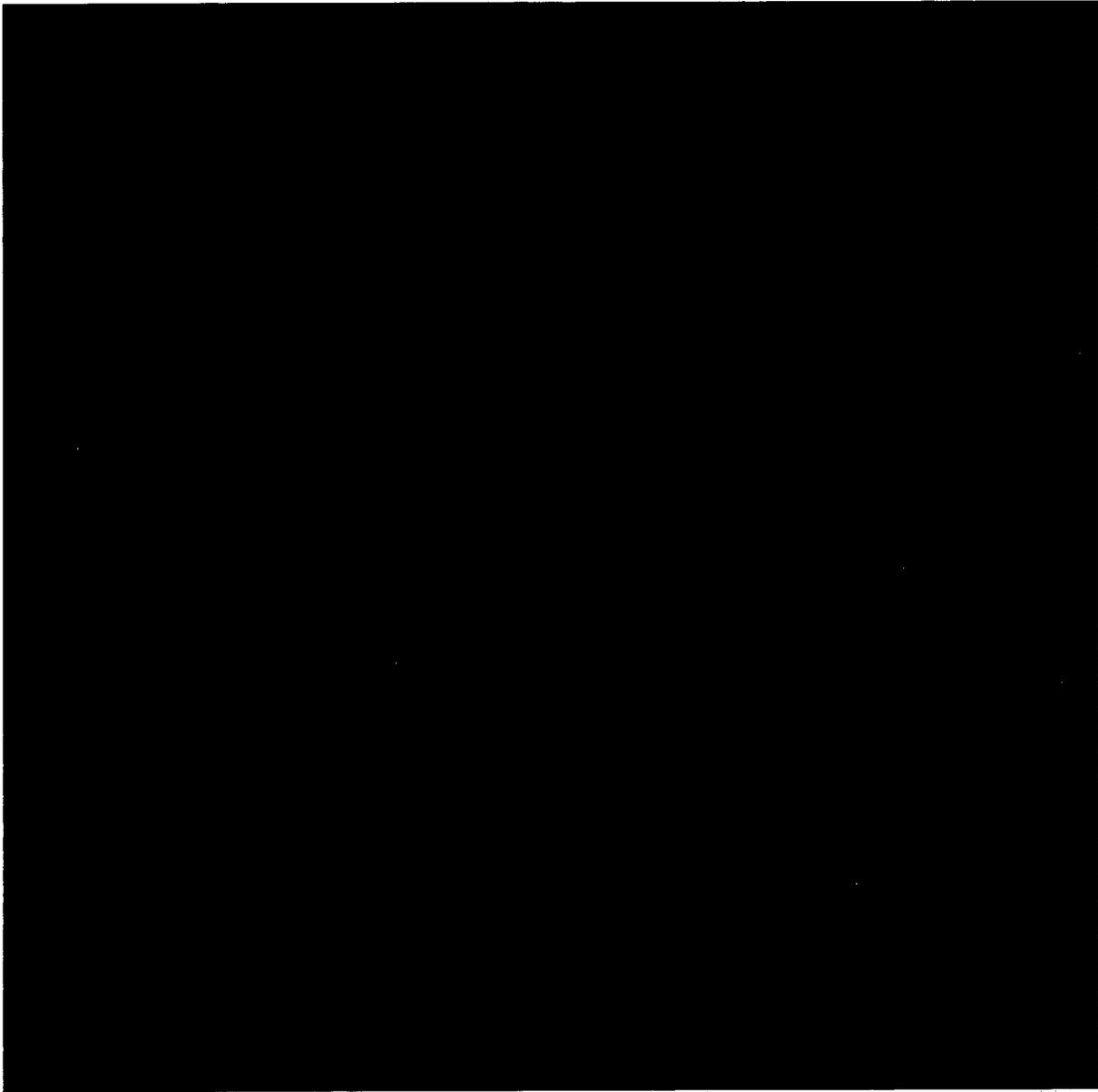


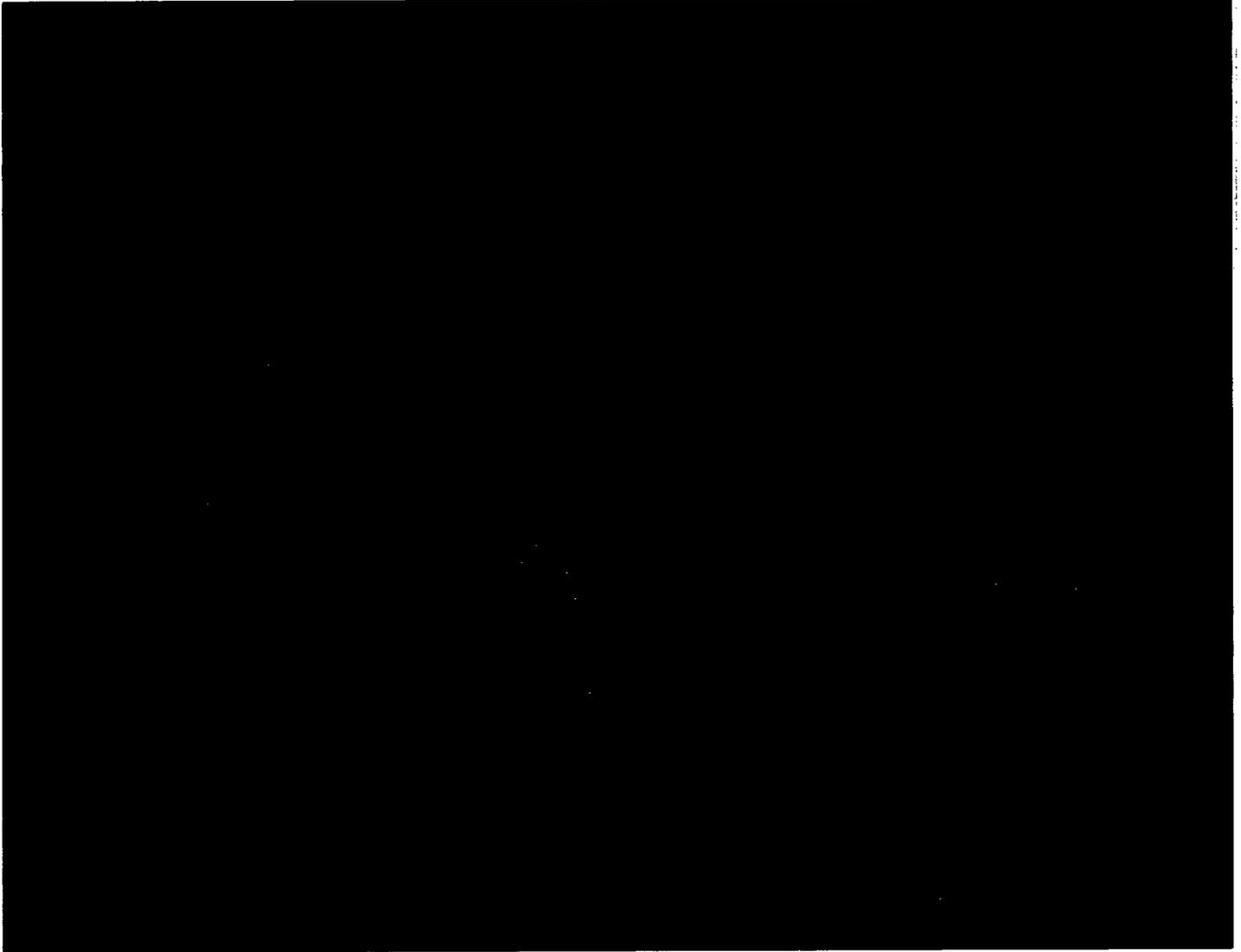






**PUBLIC VERSION**





PUBLIC VERSION



# EXHIBIT

# B

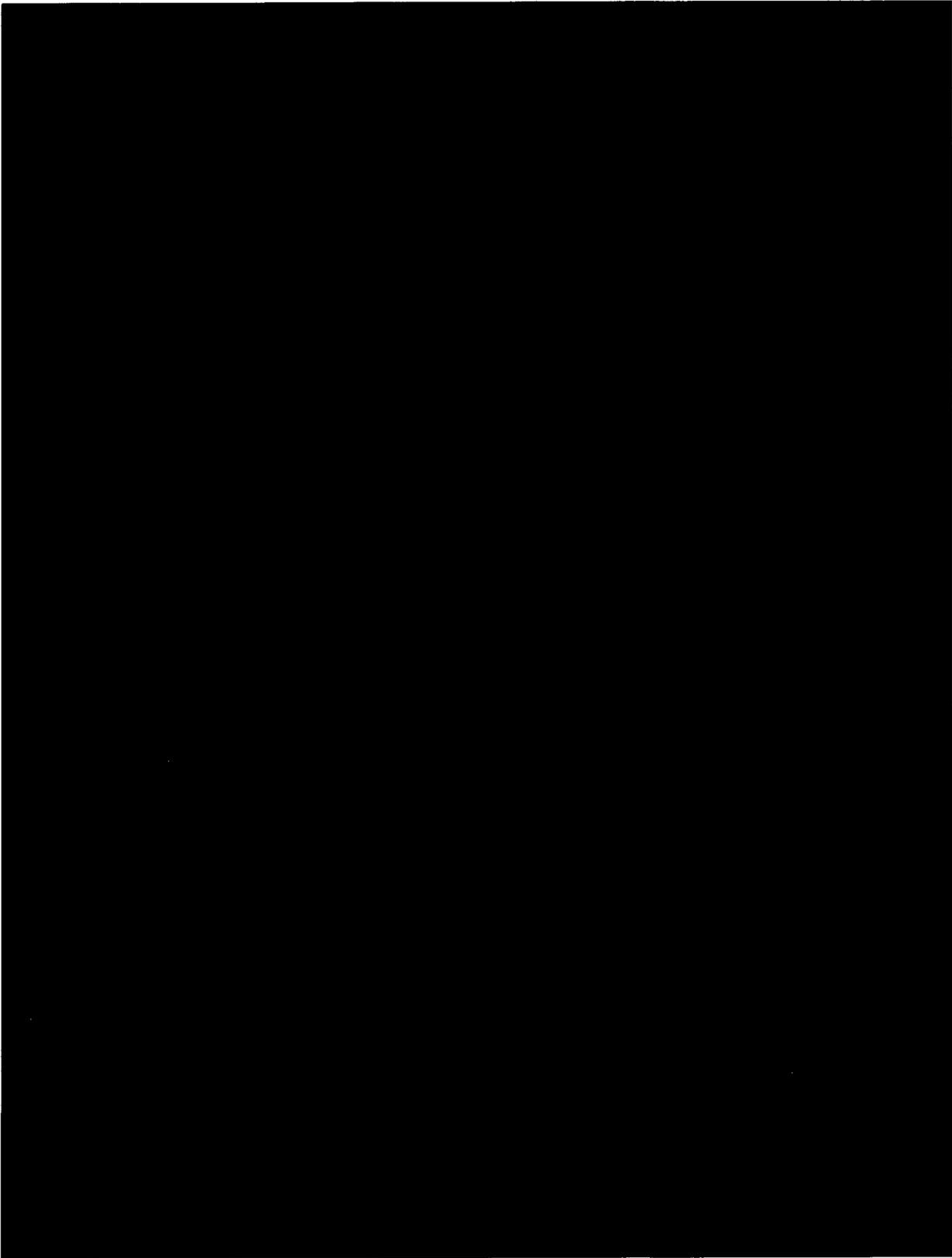
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**PUBLIC VERSION**

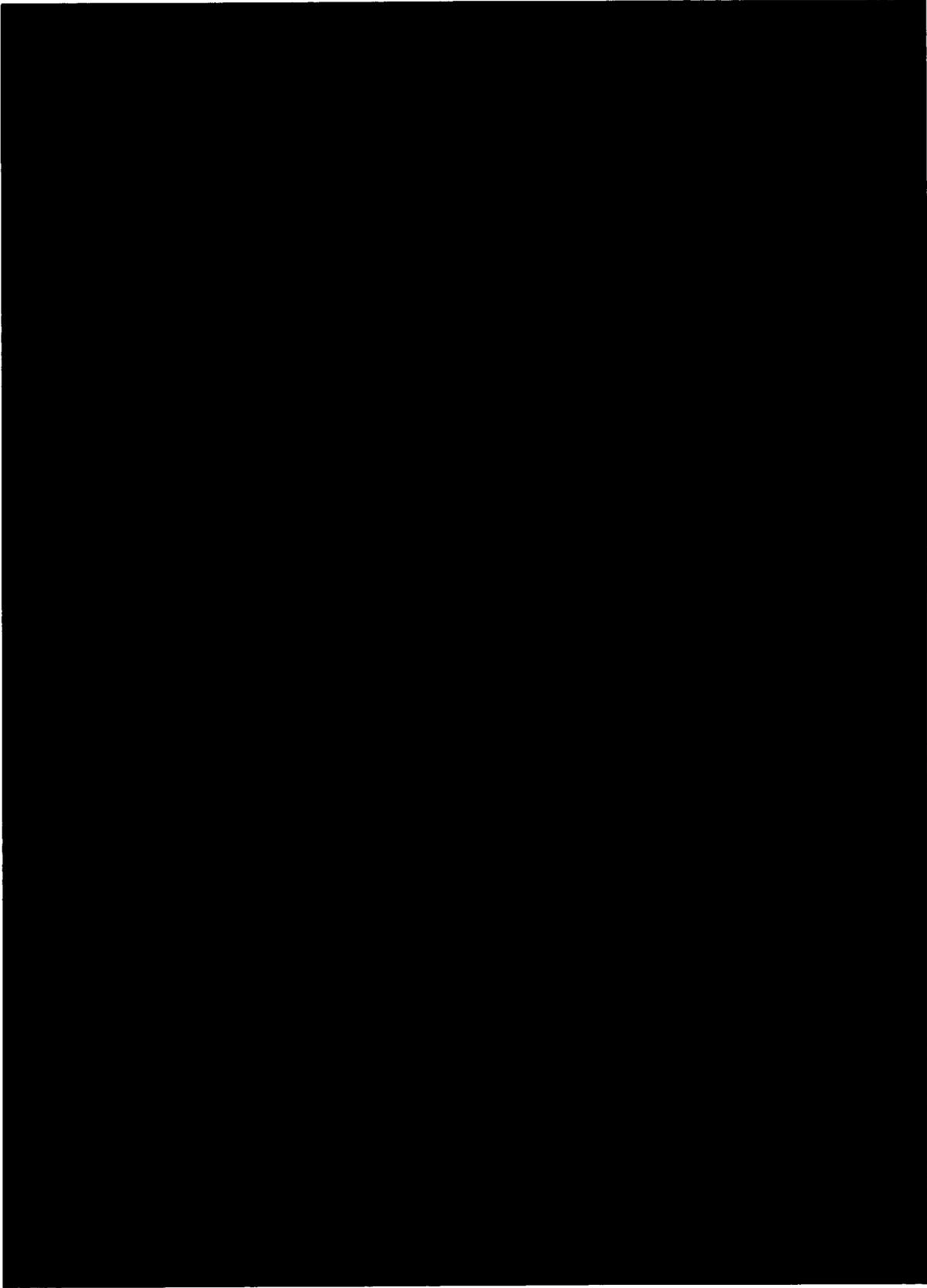
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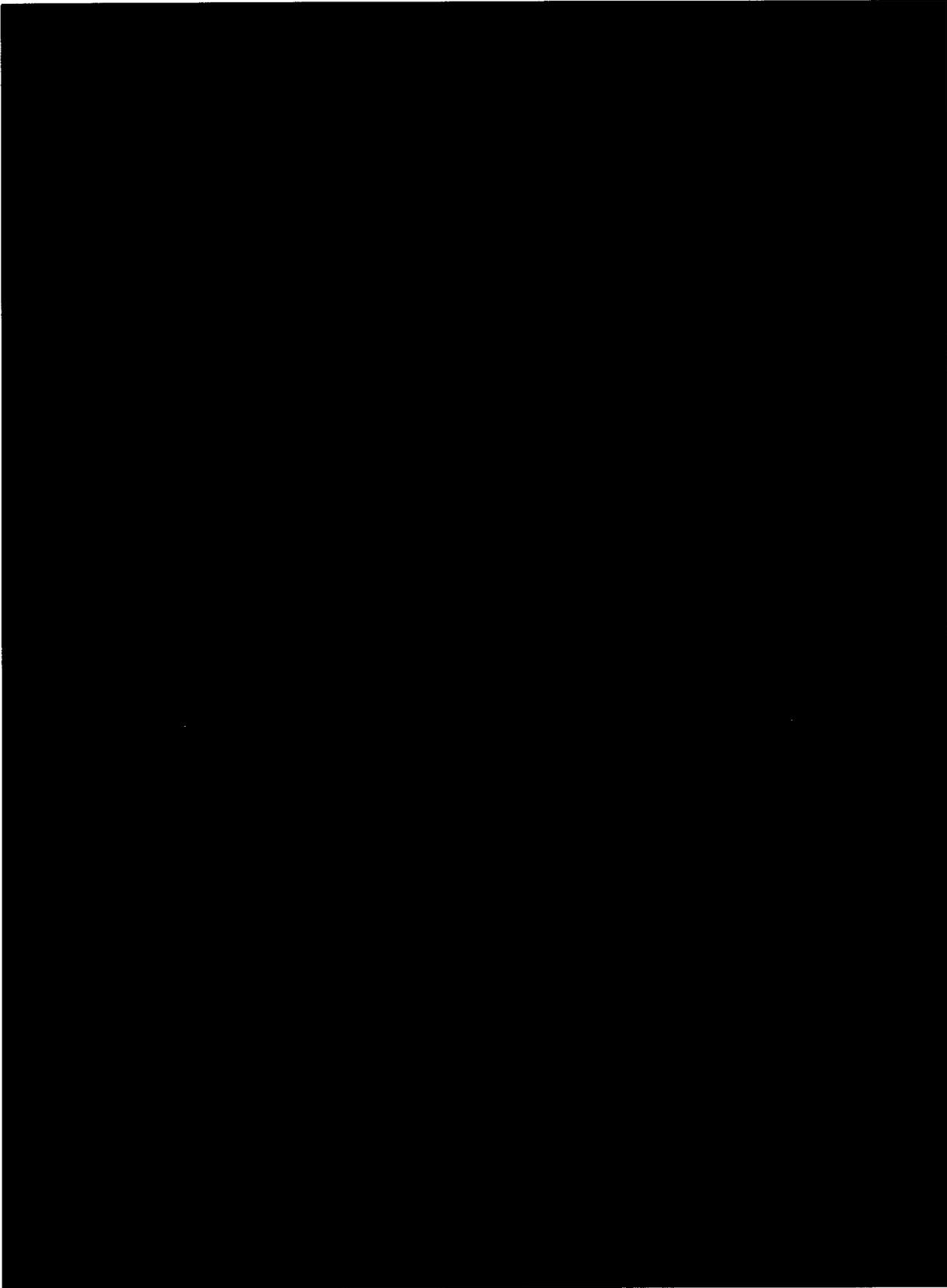
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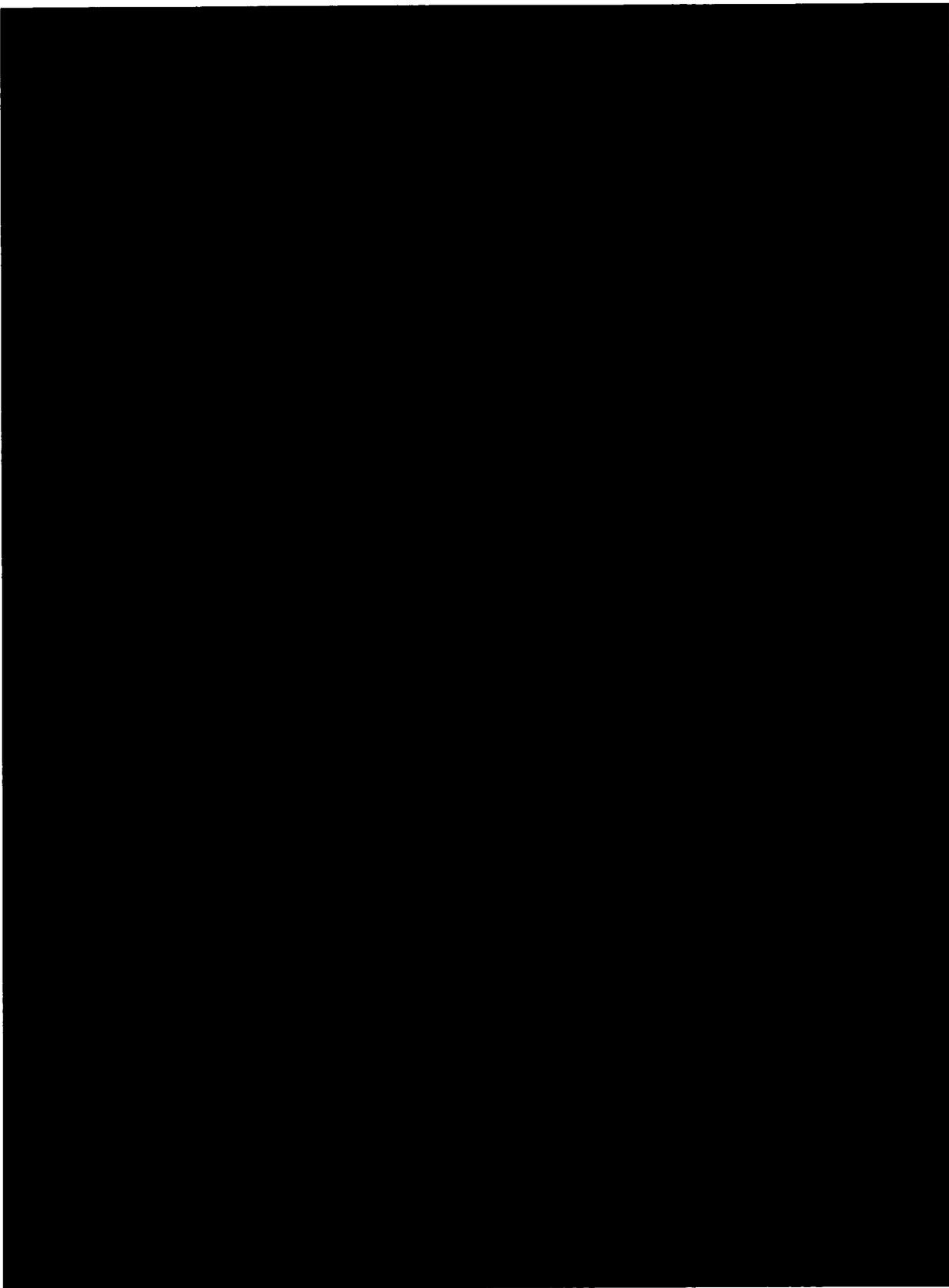
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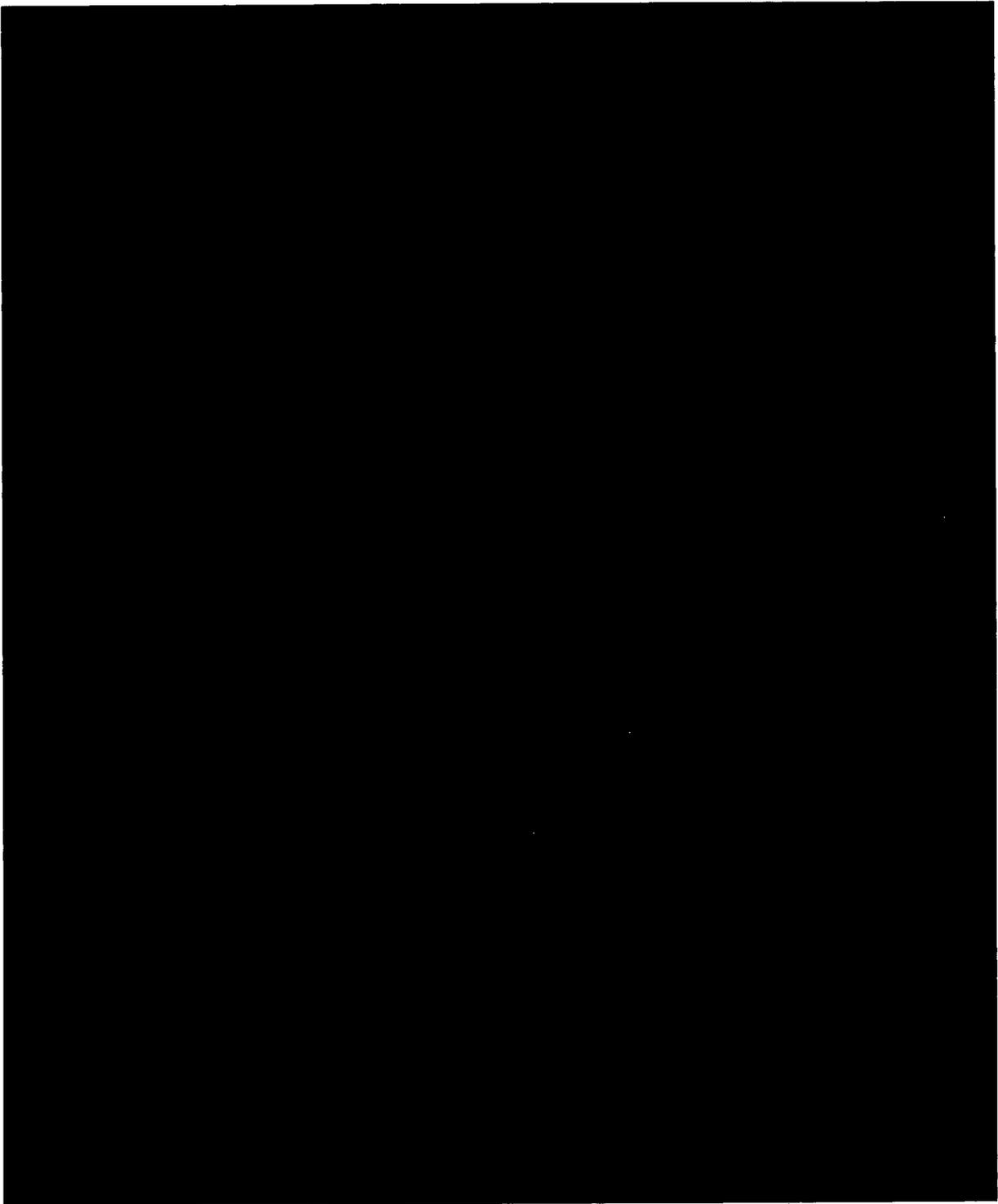
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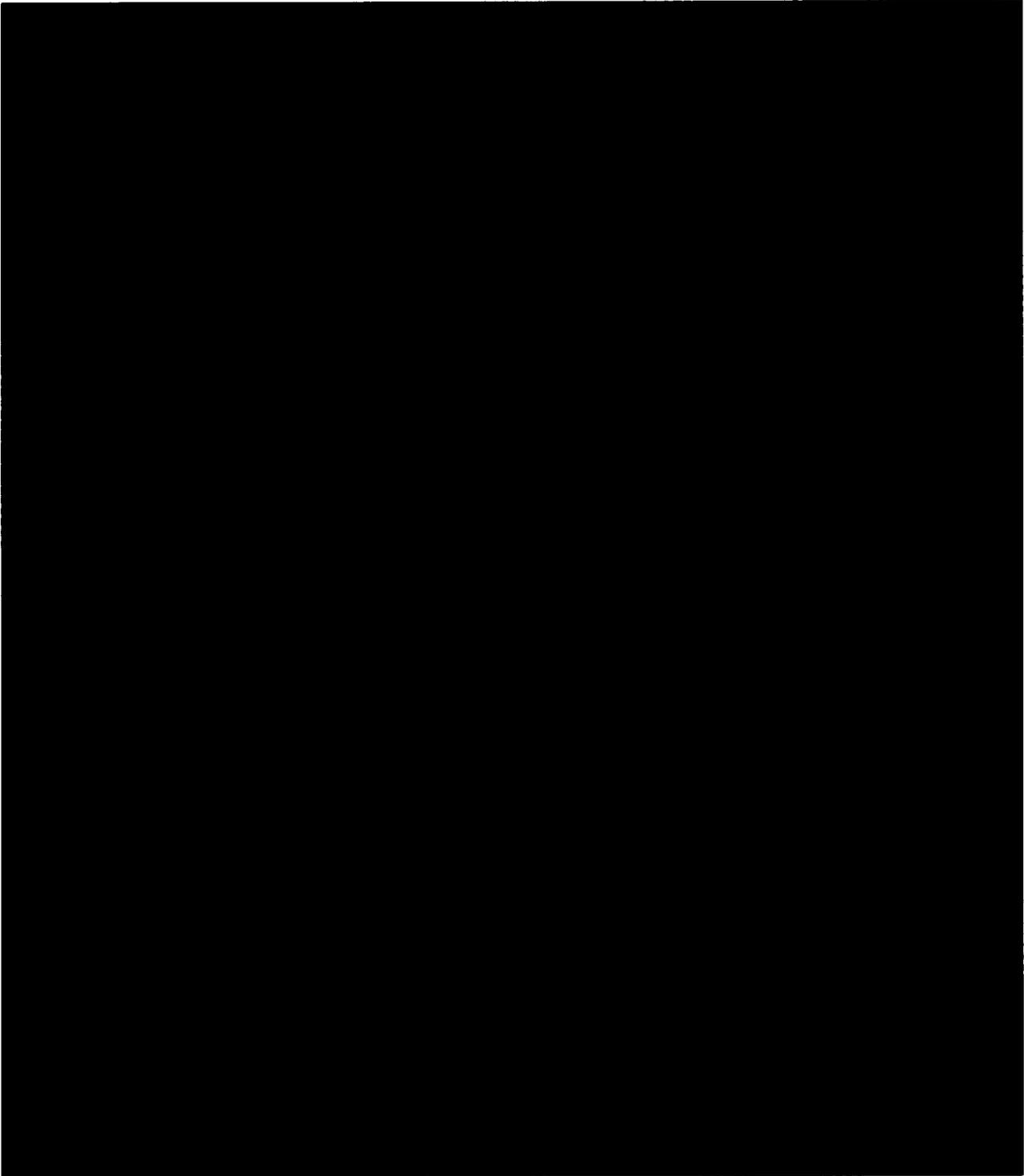
**PUBLIC VERSION**



**PUBLIC VERSION**



**PUBLIC VERSION**



**CERTAIN REPLACEMENT AUTOMOTIVE SERVICE  
AND COLLISION PARTS AND COMPONENTS THEREOF**

**Inv. No. 337-TA-1160**

Certificate of Service – Page 1

I, Lisa R. Barton, hereby certify that the attached **ORDER NO. 36** has been served upon the following parties as indicated, on **March 5, 2020**.



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

<b><u>On Behalf of Complainants Hyundai Motor America, Inc. and Hyundai Motor Company:</u></b>	
Kecia Reynolds, Esq. <b>PILLSBURY WINTHROP SHAW PITTMAN LLP</b> 1200 Seventeenth Street, NW Washington, DC 20036	<input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____
<b><u>On Behalf of Respondent Direct Technologies International, Inc. d/b/a DTI, Inc.:</u></b>	
Andrew R. Kopsidas <b>FISH &amp; RICHARDSON P.C.</b> 1000 Maine Avenue, SW Washington, DC 20024	<input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____

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

**In the Matter of**

**CERTAIN REPLACEMENT AUTOMOTIVE  
SERVICE AND COLLISION PARTS AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-1160**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION ENTERING SUMMARY DETERMINATION THAT THE  
DOMESTIC INDUSTRY REQUIREMENT IS SATISFIED**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (the "Commission") has determined not to review an initial determination ("ID") (Order No. 26) granting complainants' unopposed motion for summary determination that complainants satisfy both the technical and economic prongs of the domestic industry requirement.

**FOR FURTHER INFORMATION CONTACT:** Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2382. Copies of non-confidential 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 SW, Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's Electronic Docket Information System ("EDIS") (<https://edis.usitc.gov>). Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** On June 17, 2019, the Commission instituted the above-referenced investigation based on a complaint filed by Hyundai Motor America, Inc. of Fountain Valley, California and Hyundai Motor Company of Seoul, Republic of Korea (collectively, "Hyundai"). 84 FR 267030-04 (June 7, 2019). The complaint alleges a violation of 19 U.S.C. 1337, as amended ("Section 337"), in the importation, sale for importation, or sale in the United States after importation of certain gray market Hyundai parts in the categories of belts, body exterior and interior parts, brakes, wheel hubs, cooling system parts, drivetrain parts, electrical parts, emission parts, engine parts, exhaust parts, fuel/air pumps, oil/air/cabin air filters and parts, heat and A/C parts, ignition parts, steering parts, suspension parts, transmission parts, wheels and parts, wiper and washer parts, and accessories that infringe one or more of Hyundai's

U.S. Trademark Registration Nos. 1,104,727; 3,991,863; 1,569,538; and 4,065,195. *Id.* at 26704. The complaint further alleges that a domestic industry exists in the United States. *Id.*

The Commission's notice of investigation named Direct Technologies International, Inc. ("DTI") of North Miami Beach, Florida; AJ Auto Spare Parts FZE ("AJ Auto") and John Auto Spare Parts Co. ("John Auto") of Dubai, United Arab Emirates; and Cuong Anh Co. ("Cuong Anh") of Ninh Binh Province, Vietnam as respondents. The Office of Unfair Import Investigations was not named as a party to this investigation.

On November 25, 2019, the Commission determined not to review an ID (Order No. 17) granting Hyundai's unopposed motion to find respondents AJ Auto, John Auto, and Cuong Anh in default. Order No. 17 (Nov. 5, 2019), *not rev'd*, Comm'n Notice (Nov. 25, 2019). As a result, DTI is presently the only respondent still active in this investigation.

On January 16, 2020, the presiding administrative law judge entered the subject ID (Order No. 26), pursuant to Commission Rule 210.18 (19 CFR 210.18), granting Hyundai's unopposed motion for summary determination that it satisfies both the technical and economic prongs of Section 337's domestic industry requirement. DTI did not oppose Hyundai's motion or file a petition for review of the subject ID.

The Commission has determined not to review the subject ID. 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 part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.



Lisa R. Barton  
Secretary to the Commission

Issued: February 18, 2020

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served on the following parties as indicated, on 2/18/2020.



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

**On Behalf of Complainants Hyundai Motor America, Inc.  
and Hyundai Motor Company:**

Kecia Reynolds, Esq.  
**PILLSBURY WINTHROP SHAW PITTMAN LLP**  
1200 Seventeenth Street, NW  
Washington, DC 20036

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

**On Behalf of Respondents Direct Technologies International,  
Inc. d/b/a DTI, Inc.**

Andrew R. Kopsidas Esq.  
**FISH & RICHARDSON P.C.**  
1000 Maine Avenue, SW  
Suite 1000  
Washington, DC 20024

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

[REDACTED]

**UNITED STATES INTERNATIONAL TRADE COMMISSION**

**Washington, D.C.**

**In the Matter of**

**CERTAIN REPLACEMENT  
AUTOMOTIVE SERVICE AND  
COLLISION PARTS AND COMPONENTS  
THEREOF**

**Inv. No. 337-TA-1160**

**ORDER NO. 26: INITIAL DETERMINATION GRANTING COMPLAINANTS' UNOPPOSED MOTION FOR SUMMARY DETERMINATION THAT THE DOMESTIC INDUSTRY REQUIREMENT IS SATISFIED**

(January 16, 2020)

On December 3, 2019, Complainants Hyundai Motor Company ("HMC") and Hyundai Motor America, Inc. ("HMA") (collectively, "Hyundai") filed a motion (1160-017) for summary determination that the technical and economic prongs of the domestic industry requirement are satisfied. Respondent Direct Technologies International, Inc. ("DTI") does not oppose the motion.

Mot. at 3.

**I. BACKGROUND**

**A. Asserted Trademarks**

Hyundai is asserting the following trademarks against DTI in this Investigation:

<b>U.S. Trademark Registration Nos.</b>	<b>Registration Date</b>	<b>Design</b>
1104727	October 24, 1978	HYUNDAI
1569538	December 5, 1989	
3991863	July 12, 2011	HYUNDAI
4065195	December 6, 2011	

## 1. Technical Prong

The technical prong of the domestic industry requirement is satisfied when the complainant establishes that the articles relating to the domestic industry are protected by the intellectual property at issue in the investigation. See *Certain Personal Transporters, Components Thereof, and Packaging and Manuals Therefor*, Inv. No. 337-TA-1007, Order No. 32 (Initial Determination) at 2-3 (Apr. 6, 2017), *aff'd*, Commission Decision Not to Review an Initial Determination Granting Complainants' Motion for Summary Determination on the Technical Prong of the Domestic Industry Requirement (May 14, 2010). Where registered trademark rights are asserted, "[t]he test for determining whether the technical prong is met through the practice of a trademark is plain use of the trademark on products and packaging." *Certain Protective Cases and Components Thereof*, Inv. No. 337-TA-780, Initial Determination at 90 (June 29, 2012).

## 2. Economic Prong

Section 337(a)(3) sets forth the following economic criteria for determining the existence of a domestic industry in such investigations:

(3) For purposes of paragraph (2), an industry in the United States shall be considered to exist if there is in the United States, with respect to the articles protected by the patent, copyright, trademark, mask work, or design concerned –

- (A) significant investment in plant and equipment;
- (B) significant employment of labor or capital; or
- (C) substantial investment in its exploitation, including engineering, research and development, or licensing.

Given that these criteria are listed in the disjunctive, satisfaction of any one of them will be sufficient to meet the economic prong of the domestic industry requirement. *Certain Integrated Circuit Chipsets and Prods. Containing Same*, Inv. No. 337-TA-428, Order No. 10, Initial Determination (unreviewed) (May 4, 2000).

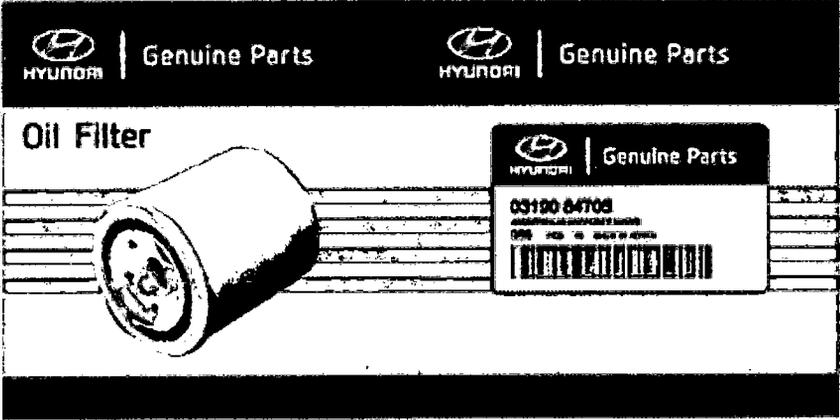
**III. DISCUSSION**

**A. Technical Prong**

Hyundai asserts that all the Domestic Industry Products satisfy the technical prong of the domestic industry requirement. Mem. at 17. Hyundai offers the testimony of James Carter, a Senior Group Manager, Financial Planning and Analysis for HMA, who testified that the Domestic Industry Vehicles bear the Asserted Trademarks. SUMF at ¶ 70; SUMF Ex. 5, Carter Decl., at ¶¶ 3, 54. Mr. Carter also testified that the Domestic Industry Parts bear the Asserted Trademarks. SUMF at ¶¶ 80, 83; SUMF Ex. 5 at ¶¶ 44, 56.

The evidence confirms that the Asserted Trademarks are “plainly used” on the Domestic Industry Products. SUMF at ¶ 17; SUMF Ex. 5 at ¶¶ 3, 44, 54, 56; *see also Protective Cases*, 337-TA-780, Initial Determination at 90. Hyundai submits that the following examples are representative of how the Asserted Trademarks are displayed on the Domestic Industry Products:

REGISTERED TRADEMARKS	DOMESTIC INDUSTRY PRODUCT
 <p>(U.S. Reg. Nos. 1,569,538 and 4,065,195)</p>	

REGISTERED TRADEMARKS	DOMESTIC INDUSTRY PRODUCT
<p>“HYUNDAI,” (U.S. Reg. Nos. 1,104,727 and 3,991,863)</p>  <p>(U.S. Reg. Nos. 1,569,538 and 4,065,195)</p>	

See SUMF Ex. 7 at 23-24; see also Mem. at 3-4; Mot. Ex. 1 at ¶¶ 42, 46. The evidence also shows that the Domestic Industry Vehicles are manufactured and assembled in the United States using Domestic Industry Parts. SUMF at ¶¶ 16, 18; SUMF Ex. 5 at ¶¶ 3, 44, 54.

Additionally, there is no evidence of record to contradict Hyundai’s assertion that the Domestic Industry Products prominently feature the Asserted Trademarks.

The undersigned therefore finds that the undisputed facts demonstrate that Hyundai has satisfied the technical prong of the domestic industry requirement.

**B. Economic Prong**

Hyundai asserts that it satisfies the economic prong under 19 U.S.C. § 1337(a)(3)(A) and (B) because it has: “(A) significantly invested in plants and equipment . . . and (B) significantly invested in labor and capital.” Mem. at 17. DTI does not dispute that Hyundai satisfies the economic prong. DTI also does not dispute that Hyundai’s investments are significant, both qualitatively and quantitatively. See *Certain Carburetors and Products Containing Such Carburetors*, Inv. No. 337-TA-1123, Comm’n Op. at 17 (Oct. 28, 2019) (citing *Certain Printing & Imaging Devices & Components Thereof*, Inv. No. 337-TA-690, Comm’n Op. at 27 (Feb. 17, 2011).)

## 1. Significant Investment in Plant and Equipment

The evidence demonstrates that Hyundai has made significant investments in plant and equipment to support manufacturing, service, and commercialization of the Domestic Industry Products in the United States. For example, Hyundai Motor Manufacturing Alabama, LLC (“HMMA”), a wholly-owned subsidiary of HMA, invested [REDACTED] to create a domestic vehicle manufacturing plant in Montgomery, Alabama (the “HMMA Facility”). The HMMA Facility is approximately [REDACTED], with approximately [REDACTED] dedicated to storing the Domestic Industry Parts and using them in the manufacture of the Domestic Industry Vehicles. SUMF at ¶ 23-24; SUMF Ex. 5 at ¶ 5. The HMMA facility is capable of manufacturing up to [REDACTED] Domestic Industry Vehicles per year. SUMF at ¶¶ 20-21; SUMF Ex. 5 at ¶ 3. From 2016 to Q2 2019, the HMMA Facility produced approximately [REDACTED] Domestic Industry Vehicles. SUMF at ¶¶ 69-74; SUMF Ex. 5 at ¶¶ 43-48. HMMA utilizes machinery and other equipment at the HMMA Facility for the manufacture of Domestic Industry Vehicles with depreciated asset values for the years 2016, 2017, 2018, and 2019 (estimated) of [REDACTED] [REDACTED] respectively. SUMF at ¶¶ 52-53; SUMF Ex. 5 at ¶ 28.

HMA also invested approximately [REDACTED] to purchase land for its corporate headquarters in Fountain Valley, California (“Fountain Valley Headquarters”), and approximately [REDACTED] in building and land improvements. SUMF at ¶¶ 30, 43; SUMF Ex. 5 at ¶¶ 9, 20. The Fountain Valley Headquarters administers and manages multiple activities relating to the Domestic Industry Products in the United States, such as warranty programs, parts and service operations, customer call centers, and marketing and advertising. SUMF at ¶¶ 32-42; SUMF Ex. 5 at ¶¶ 9-19. In addition, Hyundai has invested significantly in its seven regional offices located

across the United States, and in facilities located in California and Michigan for engineering and R&D. SUMF at ¶¶ 45-51; SUMF Ex. 5 at ¶¶ 21-26 (detailing Hyundai's investment of approximately ██████████ in domestic R&D facilities and ██████████ per year for its regional office lease expenses). Hyundai utilizes office, computer, service, and demonstration equipment at its Fountain Valley Headquarters and regional offices to support and manage activities directly related to the Domestic Industry Products. SUMF at ¶ 55; SUMF Ex. 5 at ¶ 29. This equipment has depreciated asset values for the years 2016, 2017, 2018, and 2019 (estimated) of ██████████ ██████████ respectively. SUMF at ¶ 54-55; SUMF Ex. 5 at ¶ 29.

Given that the facilities and equipment described above are used in the manufacturing, research and development, and operations for Hyundai's Domestic Industry Products, the undisputed facts demonstrate that Hyundai has satisfied the economic prong under 19 U.S.C. § 1337(a)(3)(A).

## **2. Significant Employment of Labor or Capital**

The evidence shows that Hyundai has made significant investments in the employment of labor and capital in connection with the manufacture, distribution, sales, marketing, advertising, and service-related functions related to the Domestic Industry Products.

HMMA employed an approximate average of ██████████ employees in Montgomery, Alabama from 2016 through the first half of 2019, with an average payroll of over ██████████ per year. SUMF at ¶¶ 57-60; SUMF Ex. 5 at ¶¶ 30-34. All HMMA employees work directly or indirectly on the manufacture of Domestic Industry Vehicles, and are responsible for "sourcing component parts, and operating HMMA's stamping shop, welding facility, paint shop, general assembly facility, and engine shops" at the HMMA Facility. SUMF at ¶ 56; SUMF Ex. 5 at ¶ 30.

HMA's employees at its Fountain Valley Headquarters and regional offices are responsible for "operations, marketing, customer service, parts distribution, dealer support, and facilitating HMA's warranty programs for [the] Domestic Industry Vehicles and Domestic Industry Parts." SUMF at ¶ 61; SUMF Ex. 5 at ¶ 35. From 2016 to June 2019, HMA employed an average of [REDACTED] employees at its Fountain Valley Headquarters, and an average of [REDACTED] employees at its regional offices. SUMF at ¶¶ 61-65; SUMF Ex. 5 at ¶¶ 35-39. From 2016 to 2018, the average payroll for HMA's employees at its Fountain Valley Headquarters and its regional offices combined was approximately [REDACTED] per year. *Id.*

The evidence also shows that Hyundai has made significant capital expenditures in the United States associated with the Domestic Industry Products. In 2018, HMMA invested [REDACTED] to build a [REDACTED] facility at the HMMA Facility for manufacturing engine components and enhancing existing operations for new models of Domestic Industry Vehicles. SUMF at ¶ 27; SUMF Ex. 5 at ¶ 6. This facility opened in May 2019. SUMF at ¶ 27; Mot. Ex. 1 at ¶ 137. Additionally, Hyundai has expended significant capital under HMA's vehicle warranty program. SUMF at ¶ 92; SUMF Ex. 5 at ¶ 65. From 2016 to 2018, Hyundai paid over [REDACTED] per year to Hyundai dealers for repairs and services made under HMA's vehicle warranty program. SUMF at ¶ 92; SUMF Ex. 5 at ¶ 65. And, through the first half of 2019, Hyundai has paid dealers roughly [REDACTED] in connection with HMA's vehicle warranty program. SUMF at ¶ 92; SUMF Ex. 5 at ¶ 65. Roughly [REDACTED] of these expenses are attributable to the cost of Domestic Industry Parts. Mot. Ex. 1 at ¶¶ 81, 115.

Given the labor and capital expenditures described above, the undisputed facts demonstrate that Hyundai has made significant investments towards labor and capital in the United States

related to the Domestic Industry Products that satisfy the economic prong under 19 U.S.C. § 1337(a)(3)(B).

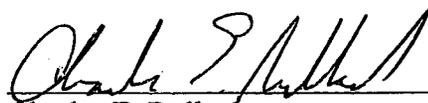
#### **IV. CONCLUSION**

For the reasons discussed above, the undersigned finds that a summary determination that the domestic industry requirement is satisfied is appropriate. Accordingly, Hyundai's unopposed motion (1167-017) for summary determination that the domestic industry requirement is satisfied is hereby granted.

Pursuant to 19 C.F.R. § 210.42(h), this Initial Determination shall be the determination of the Commission unless a party files a petition for review of the Initial Determination 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 herein.

Within seven days of the date of this document, the parties shall submit to the Office of the Administrative Law Judges a joint statement as to whether or not they seek to have any portion of this document deleted from the public version. If the parties do seek to have portions of this document deleted from the public version, they must submit to this office a copy of this document with red brackets indicating the portion or portions asserted to contain confidential business information. The submission may be made by email and/or hard copy by the aforementioned date and need not be filed with the Commission Secretary.

**SO ORDERED.**

  
\_\_\_\_\_  
Charles E. Bullock  
Chief Administrative Law Judge

**CERTAIN REPLACEMENT AUTOMOTIVE SERVICE  
AND COLLISION PARTS AND COMPONENTS THEREOF**

**Inv. No. 337-TA-1160**

Certificate of Service – Page 1

I, Lisa R. Barton, hereby certify that the attached **PUBLIC VERSION ORDER NO. 26** has been served upon the following parties as indicated, on **February 4, 2020**.



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

<p><b><u>On Behalf of Complainants Hyundai Motor America, Inc. and Hyundai Motor Company:</u></b></p>	
<p>Kecia Reynolds, Esq. <b>PILLSBURY WINTHROP SHAW PITTMAN LLP</b> 1200 Seventeenth Street, NW Washington, DC 20036</p>	<p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p>
<p><b><u>On Behalf of Respondent Direct Technologies International, Inc. d/b/a DTI, Inc.:</u></b></p>	
<p>Andrew R. Kopsidas <b>FISH &amp; RICHARDSON P.C.</b> 1000 Maine Avenue, SW Washington, DC 20024</p>	<p><input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Express Delivery <input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Other: _____</p>