In the Matter of

### **CERTAIN ROLLER UNITS**

Investigation No. 337-TA-44

USITC PUBLICATION 944
FEBRUARY 1979

United States International Trade Commission / Washington, D.C. 20436

### UNITED STATES INTERNATIONAL TRADE COMMISSION

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Kerneth R. Mason, Secretary to the Commission

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

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Investigation No. 337-TA-44

### COMMISSION DETERMINATION, ORDER, AND MEMORANDUM OFINION

#### Introduction

The United States International Trade Commission, pursuant to the authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), conducted an investigation of certain roller units and luggage bearing such roller units allegedly covered by the claims of U.S. Letters Patent 4,024,600, owned by the complainant, Presto Lock Co., a division of Walter Kidde & Co., Inc. The Commission investigated alleged unfair methods of competition and unfair acts in the importation of these roller units and luggage bearing such roller units into the United States, or in their sale by the owner, importer, consignee, or agent of either, the alleged effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

This Commission determination, order, and memorandum opinion provides for the final disposition of investigation No. 337-TA-44 by the full Commission. It is based upon the Commission's unanimous determination, made

in public session at the Commission meeting of January 16, 1979, that there is a violation of section 337 with respect to investigation No. 337-TA-44.

The text of the Commission's determination and order appear immediately below and are followed by the procedural history of the investigation, a description of the domestic and imported products which were investigated, and the Commission's opinion.

### Determination

Having reviewed the record in this investigation, including the evidentiary record developed before the presiding officer, the recommended determination of the presiding officer, the oral arguments and oral presentations before the Commission, and the pleadings of the parties, the Commission, on January 16, 1979, unanimously determined that, with respect to investigation No. 337-TA-44, there is a violation of section 337 of the Tariff Act of 1930.

More specifically, the Commission determined-

- (1) That motion 44-4 to dismiss U.S. Luggage Corp. as a respondent be granted;
- (2) With respect to the remaining respondents, 1/ that there is a violation of section 337 of the Tariff Act of 1930, as amended, in the importation into the United States of articles that meet claim 1 of complainant's U.S. Letters Patent 4,024,600, and in their sale by the owner, importer, consignee, or their agents, the effect of tendency of which is

<sup>1/</sup> Kaufman Brothers Metal Products, Inc.; Stradellina U.S.A., Inc.; M & M Luggage Co., Inc.; Peter's Bag Corp., and Tobytex, Inc.

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

In the Matter of:

Investigation No. 337-TA-44

#### NOTICE AND ORDER

### CONCERNING PROCEDURE FOR COMMISSION

#### DETERMINATION AND ACTION

Notice is hereby given that --

1. The Commission will hold a hearing beginning at 10:00 s.m., e.s.t., Wednesday, November 29, 1978, in the Commission's Hearing Room, 701 E Street, N.W., Washington. D.C., for the purposes of (1) hearing oral argument on the recommended determination of the presiding officer concerning whether there is a violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337); and (2) receiving oral presentations with respect to the subject matter of section 210.14(a) of the Commission's Rules of Practice and Procedure (19 C.F.R. 210.14(a)) concerning relief, bonding, and the public interest factors set forth in subsections (d) and (f) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), which factors the Commission is to consider in the event it determines that relief should be granted. The

latter proceeding is legislative in character, and therefore the bearing on remedy, bonding, and public interest will not be subject to the requirements of 5 U.S.C. 556, 557. Instead, this phase of the bearing will be conducted in accordance with section 201.11 of the Commission's Rules of Practice and Procedure (19 C.P.R. 201.11). These matters are all being heard on the same day in order that this investigation may be completed within the time limits prescribed by the statute and to minimize the burden of this hearing upon the parties.

Parties and agencies wishing to make oral argument with respect to the recommended determination shall be limited in each oral argument to not more than 30 minutes, 10 minutes of which may be reserved for rebuttal by the staff and complainant.

For that part of the hearing devoted to relief, bonding, and the public interest, parties, interested persons, and Government agencies will be limited in their presentations to no more than 15 minutes. Participants will be permitted an additional 5 minutes for closing arguments after all presentations have been concluded. The Commission's investigative staff will be allotted the full time available to a party.

Requests for appearances at the hearing should be filed, in writing, with the Secretary of the Commission at his office in Washington no later than close of business, Friday, November 24, 1978. Requests should indicate the part of the hearing (i.e., with respect to the recommended determination, relief, bonding, the public interest factors, or any combination thereof) in which the requesting person desires to participate.

2. Written submission from the parties, other interested persons, Government agencies and departments, governments, or the public with respect to the recommended determination and the subject matter of subsections (a)(1), (a)(2), and (a)(3) of section 210.14 of the Commission's Rules of Practice and Procedure (19 C.F.2. 210.14(a)(1), (2), and (3)) concerning remedy, bonding, and the public interest will be considered if received by the Commission by Friday, December 8, 1978.

Notice of the Commission's institution of the investigation was published in the <u>Federal Register</u> of February 14, 1978 (43 F.R. 6343).

By order of the Commission:

Kenneth R. Mason

Secretary

Issued: October 27, 1978

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

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INVESTIGATION NO. 337-TA-44

### NOTICE OF INVESTIGATION

Notice is hereby given that a complaint was filed with the United States International Trade Commission on January 12, 1978, under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of Presto Lock Company, Division of Walter Kidde & Company, Inc., 35 Market Street, Elmwood Park, New Jersey 07407. The complaint alleges that unfair methods of competition and unfair acts exist in the importation into the United States of certain roller units and luggage bearing such roller units, or in their sale, by reason of the alleged coverage of such articles by claims 1 through 9 of U.S. Patent No. 4,024,600, which patent is owned by Presto Lock Company. The complaint alleges that such unfair methods of competition and unfair acts have the effect or tendency to destroy or substantially injure an industry, efficiently and

economically operated, in the United States. Complainant has requested that the imports in question be temporarily and permanently excluded from entry into the United States.

Having considered the complaint, the United States International Trade Commission, on February 9, 1978, ORDERED---

- (1) That, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), an investigation be instituted to determine, under subsection (c), whether, on the basis of the allegations set forth in the complaint and the evidence adduced, there is, or is reason to believe that there is, a violation of subsection (a) of this section in the unauthorized importation of certain roller units and luggage bearing such roller units into the United States, or in the sale thereof, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. The alleged violation of subsection (a) of this section consist of allegations that the imported roller units and luggage bearing such roller units infringe claims I through 9 of Presto Lock Company's U.S. Patent No. 4,024,600.
- (2) That, for the purpose of the investigation so instituted, the following persons, alleged to be involved in the unauthor-ized importation of such articles into the United States, or in their sale, are hereby names as respondents upon which the complaint and this notice are to be served:

### Importers and/or Sellers

- 1. Stradellina USA, Inc. 45 W. 34th Street New York, New York 10001
- United States Luggage Corp.
   951 Broadway
   Fall River, Massachusetts 02724
- 3. M&M Luggage Company, Inc. 205 10th Street Jersey City, New Jersey 07302
- 4. James Betesh Import Company 1214 Broadway New York, New York 10001
  - 5. Tobytex, Inc. 6 West 14th Street New York, New York 10011
- 6. Kaufman Brothers Metal Products, Inc. - Division of Universal Merchandise Corp. 321 West 13th Street New York, New York 10014
  - 7. Peter's Bag Corporation 831 Eagle Avenue Bronx, New York 10456
- (3) That, for the purpose of the investigation so instituted, Chief Administrative Law Judge Myron R. Renick, United States International Trade Commission, 701 "E" Street, N.W., Washington, D.C. 20436, is hereby appointed presiding officer, and
- (4) That, for the purpose of the investigation so instituted,

  Jo Ann Miles, United States International Trade Commission, 701 "E" Street,

  N.W., Washington, D.C. 20436, is hereby named Commission investigative attorney.

Responses must be submitted by the named respondents in accordance with section 210.21 of the Commission's Rules of Practice and Procedure, as amended (19 C.F.R. § 210, as amended). Pursuant to sections 201.16(d) and 210.21(a) of the Rules, such responses will be considered by the Commission

if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint of this notice, and will authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination, respectively, containing such findings.

The complaint, with the exception of confidential information referred to therein, is available for inspection by interested persons at the Office of the Secretary, United States International Trade Commission, 701 "E" Street, N.W., Washington, D.C. 20436, and in the New York City office of the Commission, 6 World Trade Center.

By order of the Commission.

Kenneth R. Mason

Secretary

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

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### NOTICE OF CONSOLIDATED PRELIMINARY CONFERENCE

Notice is hereby given that a Preliminary Conference will be held in connection with the two above-styled investigations at 10:00 a.m. on Tuesday, March 14, 1978, in the ALJ Hearing Room, Room 610, Bicentennial Building, 600 E Street, N.W., Washington, D.C. The consolidation is for the convenience of the parties and is limited to this conference. The purposes of this pre-liminary conference are to establish discovery schedules, to discuss the procedures to be followed in pursuing such discovery, to set the dates for the Prehearing Conference and Temporary Relief Hearing, and to resolve any other matters necessary to the conduct of these investigations.

If any questions should arise not covered by these instructions, the parties or their counsel shall call the chambers of the undersigned Presiding Officer.

The Secretary shall serve a copy of this Notice upon parties of record and shall publish this Notice in the Federal Register.

Judge Donald K. Duvall

Presiding Officer

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D. C. 178 FER 16 PM 40 40

CALLAND THE COMMESSION

In the Matter of CERTAIN ROLLER UNITS

Investigation No. 337-TA-44

### ORDER

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the Federal Register.

Mygøn R. Renick

Chief Administrative Law Judge

Issued February 16, 1978

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

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Investigation No. 337-TA-44

#### COMMISSION DETERMINATION AND ACTION

Upon consideration of the presiding officer's recommended determination and the record in this proceeding, the Commission orders the termination of investigation No. 337-TA-44, Certain Roller Units, on the basis of a unanimous Commission determination that a violation of section 337 of the Tariff Act of 1930, as amended, exists. The Commission orders that roller units made in accordance with claim 1 of U.S. Letters Patent 4,024,600, and luggage bearing such roller units, be excluded from entry into the United States for the term of said patent, except under license of the patent owner.

The Commission further determined that the articles ordered to be excluded from entry are entitled to entry into the United States under bond in the amount of (1) 176 percent of the value of the roller units concerned if unattached to luggage (including roller units imported in sets) f.o.b. foreign port, and (2) 85 cents per piece of imported luggage bearing such roller units, with said bond to be in effect from the day after the day this order is received by the President pursuant to section 337(g) of the Tariff Act of 1930,

as amended, until such time as the President notifies the Commission that he either approves or disapproves this action, but, in any event, not later than sixty (60) days after such day of receipt.

This Commission order is effective on the date of its publication in the Federal Register. Any party wishing to petition for reconsideration must do so within fourteen (14) days of service of the Commission determination. Such petitions must be in accord with section 210.56 of the Commission rules (19 CFR 210.58). Any person adversely affected by a final Commission determination may appeal such determination to the United States Court of Customs and Patent Appeals.

Copies of the Commission's Determination, Order, and Memorandum Opinion (USITC Publication No. 944, February 1979) are available to the public during official working hours at the Office of the Secretary, United States International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone (202) 523-0161. Notice of the institution of the Commission's investigation was published in the <u>Federal Register</u> of February 14, 1978 (43 F.R. 6343).

By order of the Commission.

Kenneth R. Mason

Secretary

Issued: February 14, 1979

to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

- (3) That the appropriate remedy for such violation is to direct that certain roller units made in accordance with claim 1 of U.S. Letters Patent 4,024,600, and luggage bearing such roller units, be excluded from entry into the United States for the term of said patent, except under license of the patent owner;
- (4) That after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers, such articles should be excluded from entry; and
- (5) That the bond provided for in subsection (g)(3) of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337(g)(3)) be in the amount of 176 percent of the value of the roller units concerned if unattached to luggage (including roller units imported in sets) f.o.b. foreign port, and that a bond of 85 cents be set on each piece of imported luggage bearing such roller units.

#### Commission Order

Accordingly, it is hereby ordered that --

- 1. U.S. Luggage Corp. is dismissed as a respondent in the investigation;
- 2. Certain roller units made in accordance with the claim of complainant's U.S. Letters Patent 4,024,600, including luggage bearing such roller units, are excluded from entry into the United States for the term of said patent except (1) as provided in paragraph 3 of this order, infra, or (2) as such importation is licensed by the owner of U.S. Letters Patent 4,024,600;

- 3. The articles ordered to be excluded from entry are entitled to entry into the United States under bond in the amount of (1) 176 percent of the value of the roller units concerned if unattached to luggage (including roller units imported in sets) f.o.b. foreign port, and (2) 85 cents per piece of imported luggage bearing such roller units, with said bond to be in effect from the day after the day this order is received by the President pursuant to section 337(g) of the Tariff Act of 1930, as amended, until such time as the President notifies the Commission that he approves or disapproves this action, but, in any event, not later than sixty (60) days after such day of receipt;
- 4. Notice and order concerning the Commission determination and action will be published in the <u>Federal Register</u>, and a copy of this Commission Determination, Order, and Memorandum Opinion will be served upon each party of record in this investigation and upon the U.S. Department of Health, Education, and Welfare, the U.S. Department of Justice, the Federal Trade Commission, and the Secretary of the Treasury; and
- The United States International Trade Commission may amend this order at any time.

By order of the Commission.

Kenneth R. Mason

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Sécretary

Issued: February 14, 1979

### Memorandum Opinion

### Procedural history

The complaint in this matter was filed with the Commission on January 12, 1978, by the Presto Lock Co., a division of Walter Kidde & Co., Inc., of Elmwood Park, New Jersey. The complaint alleged unfair methods and acts in the importation into the United States and sale of certain roller units the subject of U.S. Letters Patent No. 4,024,600, including luggage bearing such roller units, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. An investigation was instituted and notice thereof was published in the Federal Register of February 14, 1978 (43 F.R. 6343).

The complainant named seven parties—Kaufman Brothers Metal

Products, Inc.; Stradellina U.S.A., Inc.; M & M Luggage Co, Inc.; Peter's Bag

Corp.; Tobytex, Inc.; U.S. Luggage Corp.; and James Betesh Import Co.—as

importing or selling infringing roller units. All seven were named as

respondents in the initial notice of investigation. All respondents were duly

served with a copy of the complaint and notice of the investigation.

Subsequently, the Commission, at the recommendation of the presiding officer,

dismissed James Betesh and U.S. Luggage as party respondents. 1/

Complainant initially requested both temporary and permanent relief, but withdrew the request for the former when it was determined that the

<sup>1/</sup> The Commission order dismissing James Betesh was issued on Apr. 21, 1978. The Commission order dismissing U.S. Luggage is part of the present action.

proceeding before the presiding officer could be expedited. The hearing before the presiding officer was held on July 19, 1978. Only complainant and the Commission investigative attorney participated in the hearing; no respondents appeared or offered evidence. However, one respondent, Stradellina, filed a short prehearing statement. The presiding officer forwarded his recommended determination of a violation of section 337 to the Commission on September 19, 1978. No exceptions to the recommended determination were filed by any of the parties.

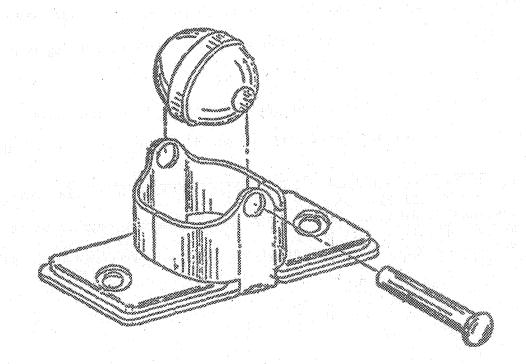
On November 29, 1978, the Commission held a hearing for the purpose of (1) hearing oral argument with respect to the recommended determination, and (2) receiving oral presentations with respect to the issues of relief, bonding, and the public interest. Notice to such effect was served upon the parties and appropriate Government agencies and departments and published in the <u>Federal Register</u> of November 1, 1978 (43 F.R. 50973). Only complainant and the Commission investigative attorney appeared at the hearing. Persons wishing to file posthearing briefs were given until December 8, 1978, to do so, and only complainant and the Commission investigative attorney filed such briefs.

### Violation of section 337

Upon consideration of the presiding officer's recommended determination and the record in this proceeding, we have determined that there is a violation of section 337 of the Tariff Act of 1930, as amended, in the importation into the United States and in the sale of certain roller units,

including luggage bearing such roller units, that meet claim 1 of complainant's U.S. Letters Patent 4,024,600, the effect or tendency of which violation is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. We hereby adopt the findings of fact and conclusions of law of the presiding officer.

Patented article.—The patented device is a one-piece roller unit manufactured in accord with the claims of U.S. Letters Patent 4,024,600. The patented device may be used as a caster for luggage. It is comprised of a housing of sheet metal having an elongated base and a roller-receiving shell, formed integrally with a base that is of uniform thickness, allegedly providing improved load-bearing characteristics over other one-piece units. A drawing of the device is reproduced below.



Patent validity.—A regularly issued patent is presumed valid as a matter of law and the burden of proving a patent invalid rests upon the party asserting it. 1/ In the present case, no party or other interested person asserted or sought to prove that the patent was invalid or unenforceable.

Further, the ownership and validity of complainant's suit patent were established by stipulation of complainant and the Commission investigative attorney and by the production of a properly authenticated copy of the patent showing issuence by the Patent Office to complainant on May 24, 1977.

Accordingly, we adopt the presiding officer's findings and conclusion on this issue of patent ownership and validity. 2/

Patent infringement.—Patent infringement occurs whenever anyone "without authority makes, uses or sells any patented invention, within the United States, during the term of the patent therefor . . . " 3/ Where accused matter falls clearly within the claim of a patent, infringement is made out. 4/

In the present case, the presiding officer found the roller units imported or sold by certain of the respondents and nonrespondents to infringe

<sup>1/ 35</sup> U.S.C. 282; Solder Removal Co. v. U.S. International Trade Comm., et al. 582 F.2d 628. 632-33 (C.C.P.A. 1978).

al., 582 F.2d 628, 632-33 (C.C.P.A. 1978).

2/ Recommended findings of fact 7 and 8 and recommended conclusion of law 3.

<sup>3/ 35</sup> U.S.C. 271(a).

 $<sup>\</sup>frac{3}{4}$ / Graver Tank & Mfg. Co., Inc., et al. v. Linde Air Products Co., 339 U.S. 605, 607 (1950).

claim 1 of the suit patent. 1/ His conclusions were based upon his own observation of relevant exhibits and upon other evidence adduced at the hearing. 2/ No one asserted, either at the July 19, 1978, hearing before the presiding officer or at the November 29, 1978, hearing before the Commission, or in any of the briefs or other relevant documents, that the devices found by the presiding officer to infringe did not in fact infringe.

During the course of the hearing before the Commission, we examined the physical exhibits at length and compared complainant's patented device and the allegedly infringing imported devices. As a result of that examination, we agree with the presiding officer that the imported articles found to be infringing are in fact infringing.

Injury. --We have determined that the effect or tendency of the unfair acts described above is to substantially injure an industry, efficiently and economically operated, in the United States. We affirm the presiding officer's findings and conclusion that the appropriate domestic industry consists of that portion of complainant's business involved in the production

<sup>1/</sup> Recommended findings of fact 11-25 and recommended conclusion of law 5. Claim 1 of the patent reads as follows:

A unit adapted to receive a roller comprising a housing of sheet metal having an elongated base and a roller-receiving shell, the base having an opening on each side of the shell to receive fastening means for the unit, the shell including a pair of walls integral with the bent from opposite edges of the base, each of the walls having a central stem and a pair of arms projecting from each stem and overlapping the base, the arms of one wall extending toward and mating with the corresponding arms of the other wall.

<sup>2/</sup> Recommended findings of fact 11-25 and recommended conclusion of law 5.

of the patented article, 1/ and that the industry is efficiently and economically operated. 2/

In adopting the presiding officer's findings and conclusions with respect to injury, we considered several factors. First, we considered the fact that the ratio of the quantity of subject imported roller units sold to the quantity of patented roller units sold by complainant exceeded 50 percent in January-March 1978. 3/ Second, we considered the fact that complainant's roller unit production declined between 1976 and 1977. 4/ Third, there was evidence of large outstanding orders for infringing foreign roller units. 5/ Fourth, complainant has been unable to increase its selling price in recent years to the extent necessary to keep pace with rising costs of production. Fifth, in part because of imports, complainant has excess productive capacity. 7/ And finally, there is substantial evidence of potential sales lost to imports largely because of the substantial price difference between the domestic and imported articles. 8/

In view of the above factors, we believe that its clear that the effect or tendency of the unfair acts is to substantially injure the domestic industry.

### Dismissal of U.S. Luggage Corp.

As part of our determination in this investigation, we have accepted the presiding officer's recommendation to dismiss U.S. Luggage Corp. as a

Recommended finding of fact 9 and recommended conclusion of law 6.

 $<sup>\</sup>overline{2}/$  Recommended finding of fact 10 and recommended conclusion of law 6.

<sup>3/</sup> Recommended finding of fact 37(a). 4/ Recommended finding of fact 60.

 $<sup>\</sup>overline{5}$ / Recommended findings of fact 39-40.  $\overline{6}$ / Recommended findings of fact 65-67.

<sup>7/</sup> Recommended finding of fact 72.

 $<sup>\</sup>overline{8}$ / See the recommended determination, at p. 35.

party. 1/ The presiding officer found that U.S. Luggage had imported roller units similar to those covered by complainant's patent prior to the issuance of the patent and that it had ceased importation of such roller units.

### Remedy, the public interest, and bonding

Subsection (d) of section 337 provides that when the Commission determines that there is a violation of the statute it shall--

direct that the articles concerned, imported by any person violating the provision of this section, be excluded from entry into the United States, unless after considering the effect of the exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

In lieu of taking action under subsection (d), the Commission may order a cease and desist order pursuant to subsection (f).

The appropriate remedy for the violation of the statute we have found to exist is an exclusion order, and there are no apparent public policy reasons for denying such relief. A cease and desist order would not be effective against new foreign manufacturers or importers which in the future decide to import or sell infringing roller units or luggage bearing such roller units. The exclusion order applies to all infringing roller units, including roller units imported in sets, and to luggage bearing such roller units. More than 90 percent of the imported roller units enter attached to luggage. 2/ Relief, in order to be effective, must extend to luggage bearing such roller units.

<sup>1/</sup> U.S. Luggage Corp.'s request to be terminated as a party respondent was docketed as motion 44-4.

<sup>2/</sup> Recommended finding of fact 35.

During the 60-day period in which the President may for policy reasons disapprove the Commission's determination pursuant to subsection (g), the roller units, including luggage bearing such roller units, will be entitled to entry under bond. We believe that the appropriate bond is in the amount of (a) 176 percent of the value of the roller units concerned if unattached to luggage (including roller units imported in sets) f.o.b. foreign port, and (b) 85 cents on each piece of imported luggage bearing such roller units. A bond of this size is necessary to make the imported roller units equivalent in price to the domestic roller units. The purpose of the bond is to offset any competitive advantage resulting from the unfair method of competition or unfair act enjoyed by persons benefiting from the importation of the article, 1/ rather than to serve as a deterrent to such importation. It is our view that complainant's proposed bond of a least \$2 on each piece of luggage bearing roller units would more than offset any competitive advantage enjoyed by importers.

<sup>1/</sup> Trade Reform Act of 1974: Report of the Committee on Finance . . . S. Rep. No. 93-1298 (93d Cong., 2d sess.), 1974, p. 198.

### Library Cataloging Data

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In the matter of: certain roller units.
Investigation no. 337-TA-44. Washington, 1979.

12 p. 28 cm. (USITC Publication 944)

Includes bibliographical footnotes.

- d. Roller bearings. 2. Luggage.
- I. Title: II. Title: Certain roller units.

# MORRIMACO BURKE TANGETARRITA WASHINGTON, D.C. 20436 UNITED STATES

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