

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN PASSENGER VEHICLE
AUTOMOTIVE WHEELS**

Investigation No. 337-TA-1006

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO ONE
RESPONDENT BASED ON A CONSENT ORDER STIPULATION AND
PROPOSED CONSENT ORDER; ISSUANCE OF CONSENT ORDER**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 14) of the presiding administrative law judge (“ALJ”), terminating the above-captioned investigation as to respondent Powerwheels Pro, LLC (“Powerwheels Pro”) of Waterford, Michigan based on a consent order stipulation and proposed consent order. The Commission has issued the consent order.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2310. 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, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 17, 2016, based on a complaint filed on behalf of Daimler AG of Stuttgart, Germany. 81 *Fed. Reg.* 39711-12. The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by reason of infringement of numerous U.S. design patents and U.S. registered trademarks. The complaint further alleges that a domestic industry exists. The Commission's notice of investigation named several respondents including Powerwheels Pro. The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *Id.*

On July 19, 2016, the complainant and Powerwheels Pro jointly moved to terminate the investigation as to Powerwheels Pro based on a consent order stipulation. The parties also attached to their joint motion confidential and public versions of a settlement agreement between them. Other than the settlement agreement, the parties state that there are no other agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation. OUII filed a response supporting the motion and no other responses were received.

The ALJ issued the subject ID on September 15, 2016, granting the joint motion for termination as to Powerwheels Pro. He found that the joint motion for termination by consent order stipulation satisfied Commission Rule 210.21(c) (19 C.F.R. § 210.21(c)). He further found, pursuant to Commission rule 210.50(b)(2) (19 C.F.R. § 210.50(b)(2)), that termination of this investigation as to Powerwheels Pro by consent order is in the public interest. No party petitioned for review of the ID.

The Commission has determined not to review the ID and has issued the consent order.

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 C.F.R. 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: September 30, 2016