

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

**In the Matter of**

**CERTAIN HAND DRYERS AND HOUSINGS  
FOR HAND DRYERS**

**Investigation No. 337-TA-1015**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW  
AN INITIAL DETERMINATION FINDING THE FOUR  
REMAINING RESPONDENTS IN DEFAULT**

**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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 24), finding the four remaining respondents in default in the above-captioned investigation.

**FOR FURTHER INFORMATION CONTACT:** Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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 <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on August 1, 2016, based on a supplemented complaint filed by Excel Dryer, Inc. of East Longmeadow, Massachusetts ("Excel"). 81 FR 50549 (Aug. 1, 2016). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), in the importation into the United States, or in the sale of certain hand dryers and housings for hand dryers by reason of trade dress infringement, the threat or effect of which is to destroy or substantially injure an industry in the United States. *Id.* at 50550. The notice of investigation named twelve respondents including US Air Hand Dryer of Sacramento, California ("US Air"); Fujian Oryth Industrial Co., Ltd. (a/k/a Oryth) of Fujian, China ("Oryth"); TC Bunny Co., Ltd. of Shanghai, China ("TC Bunny"); and Sovereign Industrial (Jiaxing) Co. Ltd. d/b/a Vinovo of

Jiaying, China (Sovereign”). *Id.* The Office of Unfair Import Investigations was also named as a party. Eight respondents have previously been terminated from the investigation by consent order or default. *See* 19 CFR §§ 210.16(a)(1), 210.21(c).

The Commission served the complaint and notice of investigation on US Air on July 26, 2016. The Commission was unable successfully to serve the complaint and notice of investigation on Oryth, TC Bunny and Sovereign. In October 2016, the ALJ granted Excel’s request to serve these three respondents directly. *See* 19 CFR § 210.11(b). Excel served Sovereign and Oryth with the complaint and notice of investigation via FedEx delivery on October 21, 2016, and October 26, 2016, respectively. *See* Compl’ts Mot. for an Order to Show Cause Why Non-Participating Resp’ts Should Not Be Found in Default 2 (Dec. 21, 2016). Excel hand-delivered the complaint and notice of investigation to TC Bunny on November 15, 2016. *Id.* US Air, Oryth, TC Bunny, and Sovereign failed to respond to the complaint and notice of investigation.

On December 14, 2016, Excel filed a motion for an order directing US Air to show cause why it should not be found in default based upon its failure to respond to the complaint and notice of investigation. *See* 19 CFR § 210.16(a)(1). On December 21, 2016, Excel filed a similar motion as to Oryth, TC Bunny, and Sovereign. The Commission investigative attorney responded in support of both motions, and the ALJ issued the orders to show cause. Order No. 22 (Dec. 20, 2016) (US Air); Order No. 23 (Jan. 17, 2017) (Oryth, TC Bunny, and Sovereign). The four respondents did not respond to the orders to show cause and on February 2, 2017, the ALJ issued the subject ID (Order No. 24), finding USAir, Oryth, TC Bunny, and Sovereign in default.

No petitions for review of the ID were filed. The Commission has determined not to review the ID. Accordingly, US Air, Oryth, TC Bunny, and Sovereign have been found to be in default.

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 22, 2017