

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

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

Inv. No. 337-TA-1015

INSTITUTION OF INVESTIGATION

Institution of Investigation pursuant to 19 U.S.C. § 1337

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on June 24, 2016, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Excel Dryer, Inc. of East Longmeadow, Massachusetts. A supplement to the complaint was filed on July 14, 2016. The complaint alleges violations of section 337 based upon 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.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a general exclusion order, or in the alternative a limited exclusion order, and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (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>.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2016).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on July 26, 2016, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(A) of section 337 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;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Excel Dryer, Inc.
357 Chestnut Street
East Longmeadow, MA 01028

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

ACL Group (Intl.) Ltd
Hill Farm
Sleep Hill Lane
Skelbrooke, Doncaster DN6 8LZ
United Kingdom

Alpine Industries Inc.
27 Selvage Street
Irvington, New Jersey 07111

FactoryDirectSale
3900 E. Philadelphia Street
Ontario, CA 91761

Fujian Oryth Industrial Co., Ltd.
(a/k/a Oryth)
No.863 Xiahe Road, Siming District
Xiamen, Fujian, 361006
China

Jinhua Kingwe Electrical Co. Ltd.
(a/k/a Kingwe)
No. 1600, West Wujiang Road
Jinhua City
Zhejiang Province, 321018
China

Penson & Co.
Room 1011
N 218 Hengfeng Road
Zhabei District
Shanghai
China

Taizhou Dihour Electrical Appliances Co.
Ltd.
a/k/a Dihour
North Dashi Class I Highway
Daxi Town, Wenling City
ZheJiang Province 317525
China

TC Bunny Co., Ltd.
Room 201, Building 418, Madang Road
Shanghai
China

Toolsempire
3900 E. Philadelphia Street
Ontario, CA 91761

US Air Hand Dryer
c/o Kristen Nguyen
9221 Rose Parade Way
Sacramento, CA 95826

Sovereign Industrial (Jiaxing) Co. Ltd.
d/b/a Vinovo
No. 111 Xiuxin Road
Xiuzhou Industrial Park
Jiaxing Zhejiang Jiaxing 314000
China

Zhejiang Aike Appliance Co., Ltd.
Yong'an Industry Park
Xianju, Taizhou, Zhejiang
China

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good 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 and this notice, and to authorize the administrative law judge 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 an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: July 26, 2016