

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 TERMINATING THE INVESTIGATION
AS TO ONE RESPONDENT ON THE BASIS OF 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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 16), which terminated the investigation as to one respondent on the basis of a consent order stipulation and proposed consent order. The Commission has issued a consent order.

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 *Fed. Reg.* 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 Zhejiang Aike Appliance Co., Ltd. of Zhejiang, China (“Aike”). *Id.* The Office of Unfair Import Investigations was also named as a party. *Id.*

On September 20, 2016, Aike moved to terminate the investigation as to it based upon a consent order stipulation and entry of a consent order. *See* 19 C.F.R. § 210.21(c). Excel did not oppose the motion, and the Commission investigative attorney responded in support of the motion.

On October 4, 2016, the ALJ granted the motion as the subject ID. The ALJ found that the consent order stipulation and proposed consent order comply with Commission rules, 19 C.F.R. § 210.21(c)(3)-(c)(4). ID at 1-3. The ALJ further found that granting the motion would not adversely affect the public interest, *see* 19 C.F.R. § 210.50(b)(2). ID at 3-4.

No petitions for review of the ID were filed. The Commission has determined not to review the ID and has issued the consent order as to Aike.

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.



Lisa R. Barton
Secretary to the Commission

Issued: November 3, 2016