

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN INDUSTRIAL AUTOMATION
SYSTEMS AND COMPONENTS
THEREOF INCLUDING CONTROL
SYSTEMS, CONTROLLERS,
VISUALIZATION HARDWARE,
MOTION AND MOTOR CONTROL
SYSTEMS, NETWORKING
EQUIPMENT, SAFETY DEVICES, AND
POWER SUPPLIES**

Investigation No. 337-TA-1074

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANT'S MOTION TO TERMINATE THE
INVESTIGATION AS TO CERTAIN UNSERVED RESPONDENTS**

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. 41) granting a motion of complainant Rockwell Automation, Inc. of Milwaukee, Wisconsin ("Rockwell") to terminate the above-caption investigation with respect to certain unserved respondents.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2301. 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's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 16, 2017, based on a complaint filed by Rockwell Automation, Inc. of Milwaukee, Wisconsin ("Rockwell"). 82 *Fed. Reg.* 48113-15 (Oct. 16, 2017). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337) ("section 337"), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain industrial automation systems and components thereof

including control systems, controllers, visualization hardware, motion and motor control systems, networking equipment, safety devices, and power supplies by reason of infringement of U.S. Trademark Reg. No. 1,172,995; U.S. Trademark Reg. No. 696,401; U.S. Trademark Reg. No. 693,780; U.S. Trademark Reg. No. 1,172,994; U.S. Trademark Reg. No. 712,800; U.S. Trademark Reg. No. 712,836; U.S. Trademark Reg. No. 2,510,226; U.S. Trademark Reg. No. 2,671,196; U.S. Trademark Reg. No. 2,701,786; U.S. Trademark Reg. No. 2,412,742; U.S. Copyright Reg. No. TX0008389890; U.S. Copyright Reg. No. TX0008389887; U.S. Copyright Reg. No. TX0008390098; U.S. Copyright Reg. No. TX0008390094; U.S. Copyright Reg. No. TX0008390077; U.S. Copyright Reg. No. TX0008390088; U.S. Copyright Reg. No. TX0008390116; U.S. Copyright Reg. No. TX0008390084; U.S. Copyright Reg. No. TX0008390111; and U.S. Copyright Reg. No. TX0008390091. *Id.* The notice of investigation named numerous respondents, including: Capnil (HK) Company Limited of Hong Kong, China; Fujian Dahong Trade Co., Ltd. of Fujian, China; Huang Wei Feng dba A-O-M Industry of Shenzhen, China; PLC-VIP Shop dba VIP Tech Limited of Hong Kong, China; and Wenzhou Sparker Group Co. Ltd. dba Sparker Instruments of Wenzhou, China (collectively, “the Unserved Respondents”). *Id.* The Office of Unfair Import Investigations is a party to the investigation.

On July 12, 2018, Rockwell filed a motion to terminate the investigation with respect to the Unserved Respondents. Specifically, Rockwell indicated that its attempts to serve the Complaint and Notice of Investigation on the Unserved Respondents have been unsuccessful. No party filed an opposition to Rockwell’s motion.

On July 17, 2018, the ALJ issued the subject ID, granting Rockwell’s motion pursuant to Commission Rule 210.21(a) (19 CFR 210.21(a)). The ID finds that there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation and that there is no evidence of any extraordinary circumstances that would prevent the requested termination. The ID also finds that the requested termination is in the public interest. No party petitioned for review of the ID.

The Commission has determined not to review the ID.

The authority for the Commission’s determination is contained in section 337 of the Tariff Act of 1930, as amended (19 USC 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: August 13, 2018