

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-IN-PART COMPLAINANT'S MOTION FOR
SUMMARY DETERMINATION THAT IT SATISFIES THE ECONOMIC PRONG OF
THE DOMESTIC INDUSTRY REQUIREMENT**

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. 39) granting-in-part a motion for summary determination of complainant Rockwell Automation, Inc. of Milwaukee, Wisconsin ("Rockwell") that it has satisfied the economic prong of the domestic industry requirement in the above-caption investigation.

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 the following respondents: Can Electric Limited of Guangdong, China; 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; Radwell International, Inc. dba PLC Center of Willingboro, New Jersey; Wenzhou Sparker Group Co. Ltd. dba Sparker Instruments of Wenzhou, China; Yaspro Electronics (Shanghai) Co. Ltd. of Shanghai, China; and other respondents previously found in default. *Id.*; *see* Order No. 16 (Feb. 1, 2018) (unreviewed, Notice (Feb. 26, 2018)); Order No. 32 (June 24, 2018) (unreviewed, Notice (July 24, 2018)). The Office of Unfair Import Investigations is a party to the investigation.

On May 25, 2018, Rockwell filed a motion for summary determination that it has satisfied the economic prong of the domestic industry requirement with respect to the asserted trademarks and copyrights. On June 7, 2018, Radwell filed a response in opposition to the motion. On June 7, 2018, OUII filed a response in support of Rockwell's motion. On June 12, 2018, Rockwell filed a reply in support of its motion. On June 26, 2018, Radwell withdrew its opposition as to Rockwell's reliance on its domestic investments with respect to the asserted trademarks.

On July 12, 2018, the ALJ issued the subject ID (Order No. 39), granting Rockwell's motion in part with respect to certain of Rockwell's domestic investments as to the asserted trademarks. Specifically, the ID finds that Rockwell's domestic investments in its ControlLogix® and PanelView® products satisfy section 337(a)(3)(B) (19 U.S.C. 1337(a)(3)(B)). 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: August 14, 2018