

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

In the Matter of

CERTAIN POWERED COVER PLATES

Investigation No. 337-TA-1124

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW TWO INITIAL
DETERMINATIONS (ORDER NOS. 5 AND 6) TERMINATING RESPONDENTS
E-ZSHOP4U, LLC AND KCC INDUSTRIES, RESPECTIVELY, BASED ON
RESPECTIVE CONSENT ORDER STIPULATIONS AND PROPOSED CONSENT
ORDERS**

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 two initial determinations (“IDs”) (Order Nos. 5 and 6) terminating respondents E-Zshop4u, LLC and KCC Industries, respectively, based on separate consent order stipulations and proposed consent orders. The Commission has issued two consent orders.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3115. 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 Inv. No. 337-TA-1124, *Certain Powered Cover Plates*, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“section 337”), on July 23, 2018, based on a complaint filed by SnapRays, LLC d/b/a SnapPower of Vineyard, UT (“Complainant”). 83 FR 34871 (July 23, 2018). The complaint alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 9,871,324; 9,917,430; and 9,882,361, and U.S. Design Patent No. D819,426. The

complaint named numerous respondents. The Commission's Office of Unfair Import Investigations was named as a party.

On August 28, 2018, Complainant and Respondent E-Zshop4u, LLC jointly filed a motion to terminate this investigation ("Joint Motion") with respect to Respondent E-Zshop4u, LLC based upon a consent order stipulation ("Stipulation"), proposed consent order ("Proposed Order"), and settlement agreement. On September 6, 2018, the Complainant filed an unopposed motion to amend their Joint Motion ("Amended Joint Motion") based on the Commission Investigative Attorney's ("IA's") response to the Joint Motion, which was granted.

On September 26, 2018, the ALJ issued an ID (Order No. 5). The ALJ found that the Stipulation complies with Commission Rule 210.21(c)(3). Order No. 5 at 6. The ALJ further found that the E-Zshop4u Stipulation incorporates a Proposed Order, attached as Exhibit 2 to the Amended Joint Motion, that complies with Commission Rule 210.21(c)(4). *Id.* (citations omitted). The ALJ stated that she did not find any evidence that terminating this investigation as to E-Zshop4u, LLC based on the Stipulation and Proposed Order would be contrary to the public interest. *Id.* at 11-12. Based on the foregoing, the ALJ granted the Amended Joint Motion. No party petitioned for review of the subject ID, and the Commission has determined not to review it.

On September 11, 2018, Complainant and Respondent KCC Industries jointly filed a motion to terminate this investigation ("KCC Joint Motion") with respect to Respondent KCC Industries based upon a consent order stipulation ("KCC Stipulation"), proposed consent order ("KCC Proposed Order"), and settlement agreement. On September 18, 2018, the IA filed a response supporting the KCC Joint Motion.

On September 26, 2018, the ALJ issued an ID (Order No. 6). The ALJ found that the KCC Stipulation complies with Commission Rule 210.21(c)(3). Order No. 6 at 5. The ALJ further found that the KCC Stipulation incorporates a KCC Proposed Order, attached as Exhibit 2 to the KCC Joint Motion, that complies with Commission Rule 210.21(c)(4). *Id.* (citations omitted). The ALJ stated that she did not find any evidence that terminating this investigation as to KCC Industries based on the KCC Stipulation and KCC Proposed Order would be contrary to the public interest. *Id.* at 10-11. Based on the foregoing, the ALJ granted the KCC Joint Motion. No party petitioned for review of the subject ID, and the Commission has determined not to review it.

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.

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: October 29, 2018