

**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 AN INITIAL
DETERMINATION (ORDER NO. 12) TERMINATING THE INVESTIGATION WITH
RESPECT TO ONTEL PRODUCTS CORPORATION BASED ON SETTLEMENT**

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 an initial determination (“ID”) (Order No. 12) of the presiding Administrative Law Judge (“ALJ”) terminating the investigation with respect to Ontel Products Corporation based on settlement.

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 the investigation 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, as supplemented, alleges a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain power cover plates 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 Notice of Investigation named numerous respondents. The Commission’s Office of Unfair

Import Investigations was also named as a party.

On October 16, 2018 Complainant and Respondent Ontel Products Corporation (“Ontel”) (collectively, “the Settling Parties”) jointly filed a motion to terminate this investigation (“the Motion”) with respect to Ontel based upon a settlement agreement (“the Settlement Agreement”). The Settling Parties certify that respondents AllTrade Tools LLC, Enstant Technology Co., Ltd., and Vistek Technology Co., Ltd. do not oppose the motion. On October 25, 2018, the Commission investigative attorney filed a response supporting the Motion and termination of Ontel from this investigation.

On October 29, 2018, the ALJ issued the subject ID (Order No. 12). The ALJ stated that consistent with Commission Rules 210.21(a)(1) and 210.21(b)(1), the Settling Parties represent that “[t]here are no agreements other than the Settlement Agreement, written or oral, express or implied between the Settling Parties concerning the subject matter of the investigation.” *Id.* (citing Mot. at 2). The ALJ found that, accordingly, the requirements of Commission Rules 210.21(a)(1) and 210.21(b)(1) have been met. The ALJ further found no extraordinary circumstances that would justify denying the Motion. *Id.* at 4. The ALJ found that terminating Ontel from this investigation on the basis of the Settlement Agreement between SnapRays and Ontel would not be contrary to the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, or to U.S. consumers. *Id.*

Based on the foregoing, the ALJ granted the 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.



Lisa R. Barton
Secretary to the Commission

Issued: November 27, 2018