

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN POCKET LIGHTERS

Investigation No. 337-TA-1142

NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL DETERMINATION GRANTING AN UNOPPOSED JOINT MOTION FOR PARTIAL TERMINATION OF THE INVESTIGATION AS TO CERTAIN RESPONDENTS BASED ON A CONSENT ORDER; ISSUANCE OF A 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 an initial determination (“ID”) (Order No. 21) of the presiding administrative law judge (“ALJ”) granting an unopposed joint motion for termination of the investigation as to respondents Arrow Lighter, Inc. d/b/a MK Lighter, Inc., and MK Lighter Company of City of Industry, California; and Excel Wholesale Distributors Inc. of College Point, New York (collectively, “Stipulating Respondents”) based upon a consent order stipulation and a proposed consent order. The Commission has issued a consent order as to Stipulating Respondents.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 708-4716. 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 SW., 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: On February 12, 2019, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by BIC Corporation of Shelton, Connecticut (“Complainant”). *See* 84 Fed. Reg. 3486-87 (Feb. 12, 2019). The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain pocket lighters by reason of infringement of U.S. Trademark Registration Nos. 1,761,622 and 2,278,917. *See id.* The notice

of investigation names numerous respondents including Stipulating Respondents. *See id.* The Office of Unfair Import Investigations is also a party to the investigation. *See id.*

On October 22, 2019, Complainant and Stipulating Respondents filed an unopposed joint motion to terminate the investigation as to Stipulating Respondents based on the entry of a consent order stipulation and a proposed consent order.

On October 30, 2019, the ALJ issued the subject ID (Order No. 21) granting the joint motion. Pursuant to Commission Rule 210.21(c), 19 CFR 210.21(c), the ID notes that Complainant and Stipulating Respondents provided redacted and unredacted copies of their settlement agreement, and represented that “there are no other agreements, written or oral, express or implied, between [Complainant and Stipulating Respondents] concerning to the subject matter of this investigation.” *See ID* at 2. In addition, the ID finds that the consent order stipulation and the proposed consent order comply with Commission Rule 210.21(c)(3)-(4), 19 CFR 210.21(c)(3)-(4). *See id.* Furthermore, in accordance with Commission Rule 210.50(b)(2), 19 CFR 210.50(b)(2), the ID finds that terminating the investigation as to Stipulating Respondents based on the consent order would not be contrary to the public interest. *See id.* at 3. The ID also suspends the procedural schedule with respect to Stipulating Respondents pending Commission review of the ID. *See id.*

No petition for review of the subject ID was filed. The Commission has determined not to review the ID and has issued a consent order as to Stipulating Respondents.

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 CFR part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: November 25, 2019