

**UNITED STATES INTERNATIONAL TRADE COMMISSION**

**Washington, D.C.**

**In the Matter of**

**CERTAIN LUXURY VINYL TILE AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-1155**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL  
DETERMINATION FINDING A RESPONDENT IN DEFAULT**

**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. 33) of the presiding administrative law judge (“ALJ”) finding respondent Changzhou Runchang Wood Co., Ltd. of Changzhou, China (“the Defaulting Respondent”) in default.

**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 May 16, 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 Mohawk Industries, Inc. of Calhoun, Georgia; Flooring Industries Ltd. Sarl of Bertrange, Luxembourg; and IVC US Inc. of Dalton, Georgia (collectively, “Complainants”). *See* 84 FR 22161 (May 16, 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 luxury vinyl tile and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 9,200,460; 10,208,490; and 10,233,655. *See id.* The notice of investigation names numerous respondents, including the Defaulting Respondent. *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

On August 23, 2019, Complainants filed a motion (“the Motion”) pursuant to Commission Rule 210.17(h), 19 CFR 210.17(h), for an order directing the Defaulting Respondent to provide notice as to whether it intends to default from, or participate, in this investigation. While the Defaulting Respondent initially participated in the investigation and filed a response to the complaint on June 12, 2019, it ceased participating in the investigation and instructed its counsel to withdraw its representation on or before July 19, 2019. *See* Motion at 2-3. On September 4, 2019, OUII filed a response in support of the Motion.

On October 10, 2019, the ALJ issued Order No. 28, which granted the Motion. Order No. 28 ordered the Defaulting Respondent, by October 22, 2019, to state in writing whether it intends to retain other counsel, proceed without counsel, or default from the present investigation pursuant to Commission Rule 210.17(h), 19 CFR 210.17(h). Order No. 28 warned that failure to comply with the order would result in entry of default under Commission Rule 210.17(e). The Defaulting Respondent did not respond to Order No. 28.

On October 30, 2019, the ALJ issued the subject ID (Order No. 33) finding the Defaulting Respondent in default pursuant to Commission Rule 210.17(e), 19 CFR 210.17(e), for failure to respond to Order No. 28. *See* ID at 1-2.

No petition for review of the subject ID was filed. The Commission has determined not to review the subject ID.

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