

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

In the Matter of

**CERTAIN COMPOSITE BASEBALL
AND SOFTBALL BATS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1283

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING A RESPONDENT BASED ON WITHDRAWAL
OF THE COMPLAINT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined not to review an initial determination (“ID”) (Order No. 11) issued by the presiding acting chief administrative law judge (“CALJ”) granting the complainant’s motion to terminate the above-captioned investigation with respect to the respondent TianChang Zhengmu Aluminum Co., Ltd. (“TZA”) based on withdrawal of the complaint. TZA is hereby terminated from this investigation.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2382. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket system (“EDIS”) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 2, 2021, based on a complaint filed and supplemented by Easton Diamond Sports, LLC of Thousand Oaks, California (“Easton”). 86 FR 60468-469 (Nov. 2, 2021). The complaint alleges a violation of section 337 of the Tariff Act, as amended, 19 U.S.C. 1337, based on the importation, sale for importation, or sale in the United States after importation of certain composite baseball and softball bats and components thereof by reason of infringement of one or more asserted claims of U.S. Patent No. 6,997,826. *Id.* The complaint further alleges the existence of a domestic industry. *Id.* The Commission’s notice of investigation names Juno Athletics LLC of Aventura, Florida (“Juno”); Monsta Athletics LLC of Calimesa, California (“Monsta”); and Proton Sports Inc. of Scottsdale, Arizona (“Proton”) as respondents. *Id.* at 60469. The Office of Unfair Import Investigations is not participating as a party to this investigation. *Id.*

On December 28, 2021, the then-presiding former CALJ issued an ID (Order No. 8) granting Easton's unopposed motion for leave to amend the complaint and notice of investigation to add TZA as a respondent. Order No. 8 (Dec. 28, 2021). On December 29, 2021, the then-presiding former CALJ issued another ID (Order No. 9), granting Monsta's request to extend the target date for completion of this investigation by two months, from March 2, 2023, to May 2, 2023. Order No. 9 (Dec. 29, 2021). Order No. 9 also rescheduled the evidentiary hearing to October 3-7, 2022, and the deadline for issuing the final initial determination to January 3, 2023. *Id.* at 1.

On January 5, 2022, Easton filed a motion to terminate TZA based on withdrawal of the complaint. Easton also moved for reconsideration of Order Nos. 8 and 9 as moot in view of its motion to terminate TZA and to stay all proceedings with respect to TZA.

On January 5, 2022, Easton filed a petition for review and vacatur of Order Nos. 8 and 9 in view of its motion to withdraw its complaint against TZA and to terminate TZA from this investigation. On January 12, 2022, Monsta filed an opposition to Easton's petition for review.

On January 18, 2022, Juno filed a response stating that it did not oppose Easton's motion to terminate TZA, provided the new target date of May 2, 2023, as extended in Order No. 9, remains in effect. On January 18, 2022, Monsta filed a response opposing Easton's motion for reconsideration of Order Nos. 8 and 9.

On January 25, 2022, the Commission denied Easton's petition for review, thereby adopting Order Nos. 8 and 9 as its final determinations. Comm'n Notice (Jan. 25, 2022).

On January 28, 2022, the presiding acting CALJ issued the subject ID (Order No. 11), granting Easton's motion to terminate TZA based on withdrawal of the complaint. Order No. 11 finds that Easton's motion complies with Commission Rule 210.21 (19 CFR 210.21) because Easton filed its motion before any ID finding a violation of section 337 was issued, and Easton avers that there are no other agreements, written or oral, express or implied, between Easton and TZA regarding the subject matter of this investigation. Order No. 11 also finds no extraordinary circumstances that would warrant denying Easton's motion. Order No. 11 does not alter the present target date of May 3, 2023, for completion of this investigation or the extended dates for the evidentiary hearing or issuance of the final ID.

No party filed a petition for review of Order No. 11.

Upon review of the subject ID and the parties' submissions, the Commission has determined not to review, and thereby adopts, Order No. 11. TZA is hereby terminated from this investigation.

The Commission voted to approve this determination on February 16, 2022.

The authority for the Commission's determinations 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', enclosed within a large, loopy oval flourish.

Lisa R. Barton
Secretary to the Commission

Issued: February 16, 2022