

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

In the Matter of

**CERTAIN PICK-UP TRUCK FOLDING
BED COVER SYSTEMS AND
COMPONENTS THEREOF (III)**

Investigation No. 337-TA-1353

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW TWO INITIAL
DETERMINATIONS TERMINATING THE INVESTIGATION WITH RESPECT TO
CERTAIN RESPONDENTS BASED ON SETTLEMENT AND THE ENTRY OF
CONSENT ORDERS; ISSUANCE OF FIVE 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. 29 and 30) of the presiding administrative law judge (“ALJ”) terminating the investigation with respect to seven respondents, respectively, based on settlement and the entry of stipulated consent orders: (1) Wenzhou Tianmao Automobile Parts Co., Ltd. (“Wenzhou Tianmao”), (2) Wenzhou Tianmao Automobile Parts Co., Ltd. DBA Kikito and Rui’an Yiming Trading Co. Ltd. (“Kikito”), (3) Wenzhou Tianmao Automobile Parts Co., Ltd. DBA Lyon Cover and Wenzhou Chaoming Auto Parts Co., Ltd. (“Lyon”); (4) Jiaxing Kscar Auto Accessories Co. Ltd. a/k/a KSC Auto (“Kscar”); (5) Future Trucks a/k/a Future Trading Co., LLC (“Future Trucks”), (6) Ultimate Motor Parts Limited (“Ultimate”), and (7) Hong Kong Yintatech Network Co., Ltd. (“Yintatech”). The Commission has also determined to issue five consent orders.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (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 on (202) 205-1810.

SUPPLEMENTARY INFORMATION: On February 27, 2023, the Commission instituted this investigation based on a complaint, as supplemented, filed on behalf of Extang Corporation of Ann Arbor, Michigan and UnderCover Inc. of Rogersville, Missouri (together, “Complainants”). 88 FR 12422 (Feb. 27, 2023). The complaint alleged violations 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 pick-up truck folding bed cover systems and components thereof that infringe certain claims of U.S. Patent Nos. 7,188,888; 7,484,788; 8,061,758; 7,537,264; 8,182,021; 8,690,224; and 9,815,358. *Id.* The complaint also alleged that a domestic industry exists. *Id.* The Commission’s notice of investigation names as respondents: 4 Wheel Parts of Compton, California; American Trucks of Lenexa, Kansas; Auto Dynasty a/k/a Shun Fung Int’l Inc. of City of Industry, California; AUTOSTARLAND Technology (US), Inc. of Riverside, California; DNA Motoring of City of Industry, California; Fanciest of Riverside, California; Future Trucks, of Houston, Texas; Ikon Motorsports Inc. of City of Industry, California; Kscar of Pinghu City, China; Kiko Kikito of Ruian City, China; Lyon Cover Auto a/k/a Truck Tonneau Covers of Wenzhou City, China; Mamoru Cover, a/k/a Ningbo Surpass Auto Parts Co., Ltd. of Ningbo City, China; MOSTPLUS Auto, of Hong Kong, China; Newpowa America, Inc. of Ontario, California; New Home Materials, Inc. of Riverside, California; OEDRO of Kent, Washington; Pickup Zone, a/k/a Dai Qun Feng of Riverside, California; RDJ Trucks, LLC of Talmo, Georgia; Smittybilt, Inc. of Compton, California; Trek Power, Inc. of Placentia, California; and Wenzhou Tianmao of Wenzhou City, China. *Id.* The Office of Unfair Import Investigations (“OUII”) is participating in this investigation. *Id.*

On May 31, 2023, the Commission granted Complainants leave to amend the complaint and amended the notice of investigation to, *inter alia*, change the name of respondents Kiko Kikito and Lyon Cover Auto a/k/a Truck Tonneau Covers to Kikito and Lyon, respectively. Order No. 9 (May 4, 2023); *unreviewed by Comm’n Notice* (May 31, 2023).

On August 3, 2023, Complainants, Wenzhou Tianmao, Kikito, and Lyon filed a joint motion to terminate the investigation with respect to Wenzhou Tianmao, Kikito, and Lyon based on a consent order stipulation, proposed consent order, and settlement agreement. On August 9, 2023, the parties filed a revised public version of the settlement agreement. On August 14, 2023, OUII filed a response in support of the motion. No other party responded to the motion.

On August 3, 2023, Complainants, Kscar, Future Trucks, Ultimate, and Yinotech, filed a joint motion to terminate the investigation with respect to Kscar, Future Trucks, Ultimate, and Yinotech based on consent order stipulations, proposed consent orders, and a settlement agreement. On August 14, 2023, OUII filed a response in support of the motion, provided that the parties file a settlement agreement that complies with 19 C.F.R. 201.6. On August 16, 2023, the parties filed a revised public version of the settlement agreement. No other party responded to the motion.

On August 25, 2023, the ALJ issued the two subject IDs. Order No. 29 grants the motion to terminate with respect to Wenzhou Tianmao, Kikito, and Lyon, and Order No. 30 grants the motion to terminate with respect to Kscar, Future Trucks, Ultimate, and Yinotech. The IDs find that the respective motions comply with Commission Rule 210.21(b)(1) (19 CFR 210.21(b)(1)) and the respective consent order stipulations and proposed consent orders comply with Commission Rule 210.21(c)(3) and (4) (19 CFR 210.21(c)(3) and (4)). The IDs also find that there was no evidence that the termination would cause any adverse impact on the public interest.

No petitions for review of any of the subject IDs were received.

The Commission has determined not to review the subject IDs and has determined to issue the requested consent orders. The investigation is hereby terminated with respect to Wenzhou Tianmao, Kikito, Lyon, Kscar, Future Trucks, Ultimate, and Yinotech. The Commission has determined to enter five consent orders to: (1) Wenzhou Tianmao, Kikito, and Lyon; (2) Kscar, (3) Future Trucks; (4) Ultimate; and (5) Yinotech.

The Commission vote for this determination took place on September 21, 2023.

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: September 21, 2023