

**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 THREE INITIAL  
DETERMINATIONS TERMINATING THE INVESTIGATION WITH RESPECT TO  
CERTAIN RESPONDENTS BASED ON SETTLEMENT AND THE ENTRY OF A  
CONSENT ORDER; ISSUANCE OF THREE 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 three initial determinations (“IDs”) (Order Nos. 22, 23, and 24) of the presiding administrative law judge (“ALJ”) terminating the investigation with respect to respondents Ningbo Surpass Auto Parts Co., Ltd. (“Ningbo Surpass”), Newpowa America, Inc. (“Newpowa”), and New Home Materials, Inc. (“New Home”), respectively, based on settlement and the entry of stipulated consent orders. The Commission has determined to issue three 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](mailto: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 Pickup Accessories of Riverside, California; Future Trucks a/k/a Future Trading Company, LLC of Houston, Texas; Ikon Motorsports Inc. of City of Industry, California; Jiaxing Kscar Auto Accessories Co., Ltd. a/k/a KSC Auto 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 of Ontario, California; New Home 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 Automobile Parts Co., Ltd. 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 respondent Mamoru Cover a/k/a Ningbo Surpass Auto Parts Co., Ltd. to Ningbo Surpass. Order No. 9 (May 4, 2023), *unreviewed* by Comm'n Notice (May 31, 2023).

On July 12, 2023, Complainants and Ningbo Surpass filed a joint motion to terminate the investigation with respect to Ningbo Surpass based on a consent order stipulation, proposed consent order, and settlement agreement. On July 21, 2023, OUII filed a response in support of the motion. No other party responded to the motion.

On July 14, 2023, Complainants and Newpowa filed a joint motion to terminate the investigation with respect to Newpowa based on a consent order stipulation, proposed consent order, and settlement agreement. On July 21, 2023, OUII filed a response in support of the motion. No other party responded to the motion.

On July 14, 2023, Complainants and New Home filed a joint motion to terminate the investigation with respect to New Home based on a consent order stipulation, proposed consent order, and settlement agreement. On July 21, 2023, OUII filed a response in support of the motion. No other party responded to the motion.

On July 31, 2023, the ALJ issued the three subject IDs (Order Nos. 22, 23, and 24) granting the motions and terminating the investigation with respect to Ningbo Surpass, Newpowa, and New Home, respectively, based on settlement and the entry of a consent order. 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 stipulation and proposed consent order comply with Commission Rule 210.21(c)(3) and (4) (19 CFR 210.21(c)(3) and (4)). The ID also finds 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 Ningbo Surpass, Newpowa, and New Home.

The Commission vote for this determination took place on August 28, 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.



Lisa R. Barton  
Secretary to the Commission

Issued: August 28, 2023