

**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

**[CORRECTED] NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION WITH
RESPECT TO A RESPONDENT BASED ON SETTLEMENT AND THE ENTRY OF 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. 28) of the presiding administrative law judge (“ALJ”) terminating the investigation with respect to respondent DNA Motoring (“DNA”) based on settlement and the entry of a stipulated consent order. The Commission has also determined to issue a consent order.

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 International

Inc. of City of Industry, California; AUTOSTARLAND Technology (US) Inc. of Riverside, California; DNA 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; Jiaying 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 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 Automobile Parts Co., Ltd. of Wenzhou City, China. *Id.* The Office of Unfair Import Investigations (“OUII”) is participating in this investigation. *Id.*

On August 3, 2023, Complainants and DNA filed a joint motion to terminate the investigation with respect to DNA based on a consent order stipulation, proposed consent order, and settlement agreement. On August 9, 2023, Complainants and DNA 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 24, 2023, the ALJ issued the subject ID granting the motion and terminating the investigation with respect to DNA based on settlement and the entry of a consent order. The ID finds that the motion complies 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 the subject ID were received.

The Commission has determined not to review the subject ID and has determined to issue the requested consent order. The investigation is hereby terminated with respect to DNA.

The Commission vote for this determination took place on September 19, 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: September 20, 2023