

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C. 20436**

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In the Matter of )

**CERTAIN AUTOMOTIVE MEASURING DEVICES,** )  
**PRODUCTS CONTAINING SAME, AND** )  
**BEZELS FOR SUCH DEVICES** )

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**Inv. No. 337-TA-494**

**NOTICE OF COMMISSION DETERMINATION TO ISSUE A MODIFIED CONSENT ORDER**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to issue a modified consent order in the above-captioned investigation.

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3115. Copies of the public version of the IDs and all nonconfidential 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, S.W., Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.usitc.gov>.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on June 20, 2003, based on a complaint filed by Auto Meter Products, Inc. ("Auto Meter") of Sycamore, Illinois. 68 *Fed. Reg.* 37023. The complaint alleged violations of section 337 of the Tariff Act of 1930 in the importation and sale of certain automotive measuring devices, products containing same, and bezels for such devices, by reason of infringement of U.S. Registered Trademark Nos. 1,732,643 and 1,497,472, and U.S. Supplemental Register No. 1,903,908, and infringement of the complainant's trade dress. The complaint alleged that twelve respondents violated section 337. Subsequently, seven more firms were added as respondents. Five of the nineteen respondents in this investigation defaulted. The remaining respondents, including American Products Co., Inc. ("APC"), were terminated from the investigation based on settlement agreements and/or consent orders.

On June 4, 2004, Auto Meter and APC filed a joint motion to terminate the investigation

as to APC based on a settlement agreement between Auto Meter and APC and a consent order stipulation with a proposed consent order. On June 17, 2004, Auto Meter and APC jointly filed replacement pages necessary to correct, *inter alia*, an omission of the five-year reporting requirement in the then proposed consent order.

On September 1, 2004, the presiding administrative law judge issued an ID (Order No. 36) terminating the investigation as to respondent APC on the basis of the settlement agreement and uncorrected consent order. This ID was not reviewed by the Commission and therefore became the Commission's final determination.

On March 17, 2005, the Commission issued a corrected consent order ("the March 17, 2005 Consent Order"). The March 17, 2005 Consent Order provides, *inter alia*, that a reporting requirement covers "a period of five (5) years from the date of this Order." March 17, 2005, Consent Order at 2. On March 22, 2005, complainant Auto Meter and respondent APC filed a joint motion to modify the March 17, 2005 consent order to provide, in pertinent part, that the reporting requirement covers "a period of five (5) years from September 27, 2004." On April 1, 2005, the Commission Investigative attorneys filed their response to the joint motion in which they express the view that the modification of the consent order requested by the movants is appropriate.

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).

By order of the Commission.

/s/

Marilyn R. Abbott  
Secretary to the Commission

Issued: April 18, 2005