

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

In the Matter of

**CERTAIN INK MARKERS AND
PACKAGING THEREOF**

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) **Inv. No. 337-TA-522**
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**NOTICE OF COMMISSION DECISION NOT TO REVIEW THREE INITIAL
DETERMINATIONS EACH TERMINATING THE INVESTIGATION AS TO ONE
RESPONDENT ON THE BASIS OF A SETTLEMENT AGREEMENT AND A
CONSENT ORDER; ISSUANCE OF 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 (“ID”) issued by the presiding administrative law judge (“ALJ”) in the above-captioned investigation each terminating the investigation as to one respondent on the basis of a settlement agreement and a consent order.

FOR FURTHER INFORMATION CONTACT: Irene H. Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3112. Copies of non-confidential 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. 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>. 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: This trademark-based section 337 investigation was instituted by the Commission based on a complaint filed by Sanford, L.P. of Freeport, Illinois (“complainant”). 69 Fed. Reg. 52029 (August 24, 2004). The complaint, as supplemented, alleged violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain ink markers and packaging thereof by reason of infringement of U.S. Trademark Registration Nos. 807,818 and 2,721,523 and also by reason of infringement of trade dress. The notice of investigation identified 12 respondents. On November 10, 2004, the ALJ granted a motion to add three

respondents to the investigation. The Commission determined not to review the ID. *69 Fed. Reg. 75342* (December 16, 2004).

On November 15, 2004, the ALJ granted a motion to terminate the investigation with respect to one respondent on the basis of a settlement agreement. The Commission determined not to review the ID. On January 7, 2005, the ALJ issued an ID finding three respondents in default. The Commission determined not to review the ID.

On November 12, 2004, complainant and respondent Asia Global (HK) Ltd. (“Asia Global”) of HungHom, Kowloon, Hong Kong filed a joint motion to terminate this investigation based on a settlement agreement and a consent order stipulation, which incorporated a proposed consent order. The joint motion contains copies of the settlement agreement, consent order stipulation, and proposed consent order. On November 24, 2004, the Commission investigative attorney (“IA”) filed a response to the joint motion supporting termination of the investigation with respect to the settlement agreement. However, the IA did not support the consent order stipulation and consent order because the IA was concerned about potential enforcement problems, should an action to enforce the consent order ensue. On January 21, 2005, complainant and Asia Global filed a joint motion to revise the consent order and consent order stipulation. On February 3, 2005, the IA filed a response in support of complainant’s and Asia Global’s joint motion to revise the consent order and consent order stipulation.

On January 5, 2005, complainant and respondent Uchida of America, Corp. (“Uchida”) of Torrance, California filed a joint motion to terminate this investigation based on a settlement agreement and consent order stipulation, which incorporated a proposed consent order. On January 18, 2005, the IA filed a response supporting complainant’s and Uchida’s joint motion for termination of the investigation.

On January 24, 2005, complainant and respondent Bangkit USA, Inc. (“Bangkit”) of Vernon, California filed a joint motion to terminate the investigation on the basis of a settlement agreement and a consent order stipulation, which incorporated a proposed consent order. The joint motion contains a copy of the settlement agreement, consent order stipulation, and proposed consent order. On February 3, 2005, the IA filed a response supporting complainant’s and Bangkit’s joint motion for termination of the investigation.

On February 11, 2005, the ALJ issued three IDs (Order Nos. 16-18), each granting a joint motion for termination of this investigation as to one respondent on the basis of a settlement agreement and a consent order. No petitions for review of any of the IDs were filed.

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 section 210.42(h) of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.42(h)).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: March 8, 2005