

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

In the Matter of

**CERTAIN ADJUSTABLE-HEIGHT BEDS
AND COMPONENTS THEREOF**

Investigation No. 337-TA-734

**NOTICE OF COMMISSION DECISION TO REVIEW AND VACATE AS MOOT
AN INITIAL DETERMINATION AMENDING THE COMPLAINT AND
NOTICE OF INVESTIGATION TO NAME AN ADDITIONAL RESPONDENT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to vacate as moot an initial determination (“ID”) (Order No. 13) issued by the presiding administrative law judge (“ALJ”) in the above-referenced investigation amending the complaint and notice of investigation to name Zongshan A&E Machinery Co., Ltd.; A&E Industry Co., Ltd.; and A&E (Nice) International Co., Ltd. (collectively, “A&E”) as respondents.

FOR FURTHER INFORMATION CONTACT: Daniel E. Valencia, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-1999. 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 at <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: The Commission instituted this investigation on September 9, 2010, based on a complaint filed by Invacare Corporation of Elyria, Ohio (“Invacare”). 75 *Fed. Reg.* 54911. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain

adjustable-height beds and components thereof by reason of infringement of various United States Patents. The original complaint named two respondents.

On January 14, 2011, Invacare moved to amend the complaint and notice of investigation to add A&E as a respondent. On January 27, 2011, the Commission Investigative Attorney supported Invacare's motion. Although the other respondents did not oppose Invacare's motion, they indicated that a new procedural schedule would have to be set to afford A&E its due process rights.

On February 9, 2011, the ALJ issued the subject ID granting Invacare's motion to add A&E as a respondent. On February 22, 2011, A&E filed a submission indicating that it had only recently become aware of its being named a proposed respondent. A&E requested Commission review of the ID because it had not been served with Invacare's motion, as required by 19 C.F.R. § 210.15(a)(2).

On February 28, 2011, Invacare filed a response to A&E's submission withdrawing its motion to amend the complaint and notice of investigation. Accordingly, the Commission has determined to review the subject ID and vacate it as moot.

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 sections 210.42(c) and 210.44 of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.42(c), 210.44).

By order of the Commission.

/s/
James R. Holbein
Acting Secretary to the Commission

Issued: March 8, 2011