

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

In the Matter of

**CERTAIN HANDBAGS, LUGGAGE,
ACCESSORIES, AND PACKAGING
THEREOF**

Investigation No. 337-TA-754

**NOTICE OF COMMISSION DETERMINATION TO REVIEW-IN-PART THE ALJ'S
FINAL INITIAL DETERMINATION FINDING RESPONDENTS T&T HANDBAG
INDUSTRIAL CO. LTD. AND THE INSPIRED BAGGER IN DEFAULT AND
TERMINATING THE INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review-in-part the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 14) finding T&T Handbag Industrial Co., Ltd. of Guangzhou, China ("T&T") and The Inspired Bagger of Dallas, Texas ("Bagger") in default and terminating the investigation. On review, the Commission has determined to reverse the portion of the ID terminating the investigation. The Commission has also determined to reverse Order No. 13, denying a motion of complainants Louis Vuitton Malletier S.A. of Paris, France and Louis Vuitton U.S. Manufacturing, Inc. of San Dimas, California (collectively "Louis Vuitton") for leave to file a motion for summary determination of violation and for entry of a general exclusion order ("GEO") out of time. The investigation is remanded to the ALJ for consideration of the summary determination motion, or in the alternative, to provide Louis Vuitton the opportunity for an evidentiary hearing.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2301. 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 January 5, 2011, based on a complaint filed by Louis Vuitton, as amended on December 10, 2010, alleging 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 handbags, luggage, accessories, and packaging thereof by reason of infringement of certain claims of U.S. Trademark Registration Nos. 297,594; 1,643,625; 1,653,663; 1,875,198 (“the ‘198 mark”); 2,773,107; 2,177,828; 2,181,753; and 1,519,828. 76 *Fed. Reg.* 585-6 (Jan. 5, 2011). Louis Vuitton later withdrew its allegations as to its ‘198 mark in the Second Amended Complaint filed March 24, 2011. *See* 76 *Fed. Reg.* 24522 (May 2, 2011). The complainant named numerous respondents, including T&T and Bagger. The Commission has previously either found all of the remaining respondents in default or has terminated them from the investigation based on settlement and consent orders. *See* Notice (Aug. 17, 2011) (Order No. 11); Notice (Aug. 26, 2011) (Order No. 12).

On June 23, 2011, Louis Vuitton moved for an order directing T&T and Bagger to show cause why they should not be found in default. Louis Vuitton further requested entry of an ID finding T&T and Bagger in default and stated that it would be requesting a general exclusion order. The Commission investigative attorney (“IA”) consented to the motion. On August 16, 2011, Louis Vuitton attempted to file a motion for summary determination of violation and entry of a GEO, but the motion was not accepted due to late filing. Louis Vuitton filed an unopposed motion to file its summary motion one day late on August 17, 2011. The ALJ denied this motion in Order No. 13, which he issued on September 1, 2011. Also on September 1, 2011, the ALJ issued Order No. 14, finding T&T and Bagger in default and terminating the investigation. On September 7, 2011, Vuitton filed a motion for reconsideration of Order No. 13, which the ALJ declined to consider.

On September 16, 2011, the Commission determined that Order No. 14 is a final ID pursuant to Commission Rule 210.42(a) (19 C.F.R. § 210.42(a)). Notice (Sept. 16, 2011). On September 15, 2011, Louis Vuitton filed a petition for review of Order No. 14 and requested reconsideration of Order No. 13. On September 22, 2011, the IA, the only other party left in the investigation, filed a response, supporting in part Louis Vuitton’s petition for review.

The Commission has determined to review Order No. 14 in part and, on review, to reverse the termination of the investigation. The Commission has also determined to reverse Order No. 13. The Commission remands the investigation to the ALJ for him to consider Louis Vuitton’s motion for summary determination of violation and request for entry of a general exclusion order or, in the alternative, to provide Louis Vuitton the opportunity for an evidentiary hearing.

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 210.43 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.43).

By order of the Commission.

/s/
James R. Holbein
Secretary to the Commission

Issued: November 2, 2011