

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

**In the Matter of**

**CERTAIN TIRES AND PRODUCTS  
CONTAINING SAME**

**Investigation No. 337-TA-894**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN  
INITIAL DETERMINATION FINDING RESPONDENT SIMPLE TIRE IN DEFAULT**

**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. 34) of the presiding administrative law judge (“ALJ”) finding respondent Simple Tire in default.

**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 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 under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on September 20, 2013, based on a complaint filed by Toyo Tire & Rubber Co., Ltd. of Japan; Toyo Tire Holdings of Americas Inc. of Cypress, California; Toyo Tire U.S.A. Corp. of Cypress, California; Nitto Tire U.S.A. Inc. of Cypress, California; and Toyo Tire North America Manufacturing Inc. of White, Georgia (collectively, “Toyo”). The complaint, as supplemented, alleges violation of section 337 by reason of infringement of certain claims of U.S. Design Patent Nos. D487,424; D610,975; D610,976; D610,977; D615,031; D626,913; D458,214; and D653,200 by numerous respondents. 78 *Fed. Reg.* 57882-83 (Sept. 20, 2013). Subsequently, the complaint and notice of investigation were amended to add Shandong Hengyu Science & Technology Co., Ltd. as respondent, and several other respondents were terminated from the investigation.

On September 16, 2013, Simple Tire was served with copies of the complaint and notice of investigation. On January 6, 2014, complainants Toyo filed a motion seeking a determination that respondent Simple Tire of Cookeville, Tennessee, is in default based on its failure to respond to the complaint and notice of investigation, or otherwise participate in this investigation. No responses to the motion were received.

On January 28, 2014, pursuant to Rule 210.16 of the Commission's Rules of Practice and Procedure, the ALJ issued Order No. 29, whereby Simple Tire was ordered to show why it should not be found in default for failure to respond to the complaint and notice of investigation by the close of business on February 12, 2014. *See* 19 C.F.R. § 210.16; *see also* Order No. 29 (Jan. 28, 2014). No responses were received from Simple Tire.

On February 18, 2014, the ALJ issued the subject ID. In accordance with Commission Rule 210.16, the ALJ determined that respondent Simple Tire be found in default. *See* Order No. 34 at 2; 19 C.F.R. § 210.16. The ALJ found that Simple Tire has therefore waived its right to appear, be served with documents, and to contest the allegations at issue in this investigation. No party petitioned for review of the ID, and the Commission has determined not to review it.

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 C.F.R. Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton  
Acting Secretary to the Commission

Issued: March 20, 2014