UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of
CERTAIN TIRES AND PRODUCTS CONTAINING SAME
Inv. No. 337-TA-894

NOTICE OF INSTITUTION OF INVESTIGATION

Institution of investigation pursuant to 19 U.S.C. § 1337

AGENCY:  U.S. International Trade Commission

ACTION:  Notice


The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES:  The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (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.


SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on September 13, 2013, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain tires and products containing same by reason of infringement of one or more of the claim of the ‘424 patent; the claim of the ‘975 patent; the claim of the ‘976 patent; the claim of the ‘977 patent; the claim of the ‘031 patent; the claim of the ‘913 patent; the claim of the ‘214 patent; and the claim of the ‘200 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to Commission Rule 210.50(b)(1), 19 C.F.R. § 210.50(b)(1), the presiding administrative law judge shall take evidence or other information and hear arguments from the parties and other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. §§ 1337(d)(1), (f)(1), and (g)(1);

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Toyo Tire & Rubber Co., Ltd.
1-17-18 Edobori, Nishi-ku
Osaka 550-8661
Japan

Toyo Tire Holdings of Americas Inc.
5665 Plaza Drive, Suite 200
Cypress, CA 90630

Toyo Tire U.S.A. Corp.
5665 Plaza Drive, Suite 200
Cypress, CA 90630
Nitto Tire U.S.A. Inc.
5665 Plaza Drive, Suite 200
Cypress, CA  90630

Toyo Tire North America Manufacturing Inc.
3660 Highway 411 NE
White, GA  30184

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Hong Kong Tri-Ace Tire Co., Ltd.
No. 612 6/F South Tower
Guangzhou International Trade Building
Tianhe, Guangzhou, Guangdong
China  510620

Weifang Shunfuchang Rubber & Plastic Co., Ltd.
The West of JinGuang Street
Chenming Industrial Park
Shouguang City, Shandong
China  262719

Doublestar Dong Feng Tyre Co., Ltd.
No. 21 Hanjiang North Road
Shiyan, Hubei
China  442011

Shandong Yongtai Chemical Group Co., Ltd.
No. 14 Yingchun Road
Dawang Town
Shangrao, Dongying
Shandong, China  257335

MHT Luxury Alloys
19200 S. Reyes Avenue
Rancho Dominguez, CA  90221

Wheel Warehouse, Inc.
125 W. La Palma Ave., Unit P
Anaheim, CA  92801

Shandong Linglong Tyre Co., Ltd.
777 Jinlong Road
Zhaoyuan City, Shangdong
China  265406
Dunlap & Kyle Company, Inc.
d/b/a Gateway Tire and Service
Eureka St. Extended
Batesville, MS  38606

Unicorn Tire Corp.
4660 Distriplex Drive West
Memphis, TN  38118

West KY Customs, LLC
380 Chapel Lane
Benton, KY  42025

Svizz-One Corporation Ltd.
4/1-2 Moo 7, Banglane-Kohrat Road
Bangpla, Banglane
Nakornpathom
Thailand  73170

South China Tire and Rubber Co., Ltd.
116 Donghuan Road
Panyu District, Guangzhou City
Guangdong, China  511400

American Omni Trading Co., LLC
15354 Park Row
Houston, TX  77084

Tire & Wheel Master, Inc.
3745 Petersen Road
Stockton, CA  95215

Simple Tire
472 S. Walnut Avenue
Cookeville, TN  38501

WTD Inc.
16201 Commerce Way
Cerritos, CA  90703
Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission’s Rules of Practice and Procedure, 19 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.
Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Lisa R. Barton
Acting Secretary to the Commission

Issued: September 16, 2013