

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 RESPONDENTS WESTKY CUSTOMS, LLC,
TIRE & WHEEL MASTER, INC., VITTORE WHEEL & TIRE, AND RTM WHEEL &
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. 17) of the presiding administrative law judge (“ALJ”) finding respondents WestKY Customs, LLC, Tire & Wheel Master, Inc., Vittore Wheel & Tire, and RTM Wheel & 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, 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 a 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. 78 *Fed. Reg.* 57882 (Sept. 20, 2013). The respondents are Hong Kong Tri-Ace Tire Co., Ltd. of Guangzhou, China; Weifang Shunfuchang Rubber & Plastic Co., Ltd. of Shouguang City, China; Doublestar Dong

Feng Tyre Co., Ltd. of Shiyan, China; Wheel Warehouse, Inc., of Anaheim, California; Shandong Yongtai Chemical Group Co., Ltd. of Dawang Town, Shangrao, China; MHT Luxury Alloys of Rancho Dominguez, California; Shandong Linglong Tyre Co., Ltd. of Zhaoyuan City, China; Dunlap & Kyle Company, Inc., d/b/a Gateway Tire and Service of Batesville, Mississippi; Unicorn Tire Corp. of Memphis, Tennessee; West KY Customs, LLC of Benton, Kentucky (“WestKY”); Svizz-One Corporation Ltd. of Bangpla, Thailand; South China Tire and Rubber Co., Ltd. of Guangzhou City, China; American Omni Trading Co., LLC of Houston, Texas; Tire & Wheel Master, Inc. of Stockton, California (“Tire & Wheel Master”); Simple Tire of Cookeville, Tennessee; WTD Inc. of Cerritos, California; Guangzhou South China Tire & Rubber Co., Ltd. of Aotou, China; Turbo Wholesale Tires, Inc. of Irwindale, California; TireCrawler.com of Downey, California; Lexani Tires Worldwide, Inc. of Irwindale, California; Vittore Wheel & Tire of Asheboro, North Carolina (“Vittore”); and RTM Wheel & Tire of Asheboro, North Carolina (“RTM”). *Id.* Subsequently, the investigation as to respondents Tirecrawler.com and Wheel Warehouse, Inc. was terminated, and the complaint and notice of investigation were amended to add Shandong Hengyu Science & Technology Co., Ltd. as respondent.

On November 4, 2013, complainants Toyo filed a motion seeking a determination that respondents WestKY, Tire & Wheel Master, Vittore, and RTM (collectively, “the non-Responding Respondents”) are in default based on their failure to respond to the complaint and notice of investigation. The complaint and notice of institution of investigation were served on all respondents on September 16, 2013. On November 14, 2013, the Commission investigative attorney filed a response in support of Toyo’s motion.

On November 18, 2013, pursuant to Rule 210.16 of the Commission’s Rules of Practice and Procedure, the ALJ issued Order No. 10, ordering the non-Responding Respondents to show, by the close of business on December 4, 2013, why they should not be found in default for failure to respond to the complaint and notice of investigation. No responses were received from any of the non-Responding Respondents.

On December 5, 2013, the ALJ issued the subject ID. In accordance with Commission Rule 210.16, the ALJ determined that respondents WestKY Customs, LLC; Tire & Wheel Master, Inc.; Vittore Wheel & Tire; and RTM Wheel & Tire be found in default. The ALJ found that the non-Responding Respondents have therefore waived their 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 sections 210.42-.46 of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.42-.46).

By order of the Commission.

A handwritten signature in black ink, appearing to read "William R. Bishop", with a long horizontal flourish extending to the right.

William R. Bishop
Supervisory Hearings and Information Officer

Issued: December 27, 2013