

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MULTIPLE MODE
OUTDOOR GRILLS AND PARTS
THEREOF**

Investigation No. 337-TA-895

**NOTICE OF THE COMMISSION’S DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING CHANT KITCHEN EQUIPMENT (HK),
LTD. AND TRACTOR SUPPLY COMPANY BASED ON A SETTLEMENT
AGREEMENT AND ISSUANCE OF A CONSENT ORDER;
ISSUANCE OF A CONSENT ORDER**

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 the presiding administrative law judge’s (“ALJ”) initial determination (“ID”) (Order No. 54) terminating named respondents Chant Kitchen Equipment (HK), Ltd. (“Chant”) and Tractor Supply Company (“TSC”).

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2392. 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 26, 2013, based on a complaint filed on behalf of A&J Manufacturing, LLC of St. Simons, Georgia and A&J Manufacturing, Inc. of Green Cove Springs, Florida (collectively “Complainants”). 78 *Fed. Reg.* 59373 (Sept. 26, 2013). The complaint alleged violations of Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the sale for importation, importation, or sale within the United States after importation of certain multiple mode outdoor

grills and parts thereof by reason of infringement of certain claims of U.S. Patent No. 8,381,712, U.S. Patent No. D660,646, and U.S. Patent No. D662,773 patent. The Commission's notice of investigation, as amended, named several respondents, including Chant and TSC.

On July 16, 2014, Complainants, Chant, and TSC filed a joint motion to terminate the investigation based upon a settlement agreement, a consent order stipulation and a proposed consent order. The moving parties represented that there are no other agreements, written or oral, other than the Consent Order Stipulation, and Settlement Agreement and Mutual Release. The moving parties provided public versions of the documents and redacted versions of the Settlement Agreement and Mutual Release. The redacted versions, which did not contain essential financial terms, were for service on the remaining non-moving respondents. The Office of Unfair Import Investigations filed a response in support of the motion. The remaining non-moving respondents filed a response to the motion opposing the service of redacted documents on them.

On August 20, 2014, the ALJ granted the motion for termination of Chant and TSC. The ALJ found that the Consent Order and Consent Order Stipulation complied with the Commission's rules. The ALJ also found that there was no evidence that terminating the investigation as to Chant and TSC would be contrary to the public interest. He also found good cause to redact the essential financial terms from the version of the motion that was served on the non-moving respondents. No petitions for review were filed.

The Commission has determined not to review the subject ID.

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.



Lisa R. Barton
Secretary to the Commission

Issued: September 15, 2014