

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN FOOTWEAR PRODUCTS

Investigation No. 337-TA-936

NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO RESPONDENT NOWHERE CO. LTD BASED ON A CONSENT ORDER STIPULATION, CONSENT ORDER, AND SETTLEMENT AGREEMENT; ISSUANCE OF 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 an initial determination (“ID”) (Order No. 65) of the presiding administrative law judge (“ALJ”) terminating the above-captioned investigation as to respondent Nowhere Co. Ltd. d/b/a Bape (“Nowhere”) of Tokyo, Japan based on a consent order stipulation, consent order, and settlement agreement. The Commission has issued the consent order.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2310. 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 November 17, 2014, based on a complaint filed on behalf of Converse Inc. of North Andover, Massachusetts. 79 *Fed. Reg.* 68482-83. The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by reason of infringement of certain U.S. Trademark Registration Nos.: 4,398,753; 3,258,103; and 1,588,960. The complaint further alleges violations of section 337 based upon unfair competition/false designation of origin, common law trademark infringement and unfair competition, and trademark dilution, the threat or effect of which is to destroy or substantially injure an industry in the United States. The Commission’s notice of investigation named several respondents including Nowhere. The Office

of Unfair Import Investigations (“OUII”) is also a party to the investigation. *Id.*

On February 26, 2015, complainant and Nowhere jointly moved to terminate the investigation as to Nowhere based on a consent order stipulation and settlement agreement. OUII supported the motion.

The ALJ issued the subject ID on March 10, 2015, granting the joint motion for termination as to Nowhere. The ALJ found that the consent order stipulation, consent order, and settlement agreement satisfy the requirements of Commission rules 210.21(b) and (c). He further found, pursuant to Commission rule 210.50(b)(2), there is no indication that termination of this investigation as to Nowhere based on the consent order stipulation and settlement agreement would adversely impact the public interest. No party petitioned for review of the ID.

The Commission has determined not to review the ID and has issued the consent order.

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', enclosed within a large, loopy oval flourish.

Lisa R. Barton
Secretary to the Commission

Issued: March 30, 2015