

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 FINDING RESPONDENTS ZHEJIANG OUHAI
INTERNATIONAL TRADE CO. LTD. AND WENZHOU CEREALS OILS &
FOODSTUFFS FOREIGN TRADE CO. LTD 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. 106) of the presiding administrative law judge (“ALJ”) finding respondents Zhejiang Ouhai International Trade Co. Ltd. (“Ouhai”) and Wenzhou Cereals Oils & Foodstuffs Foreign Trade Co. Ltd. (“Wenzhou”), both of Wenzhou, China, in default in the above-captioned investigation.

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 Ouhai and Wenzhou. The Office of Unfair Import Investigations ("OUII") is also a party to the investigation. *Id.* New Balance Athletic Shoe, Inc. was subsequently added as a respondent-intervenor. *See* Order No. 36 (unreviewed, Comm'n Notice Feb. 19, 2015). The complaint and notice of investigation were served on Ouhai and Wenzhou on November 12, 2014. Ouhai and Wenzhou failed to respond to the complaint and notice of investigation.

On April 2, 2015, complainant filed a renewed motion, pursuant to 19 C.F.R. § 210.16, for the following: (1) an order directing Ouhai and Wenzhou to show cause why they should not be found in default for failure to respond to the complaint and notice of investigation as required by 19 C.F.R. § 210.13; and (2) the issuance of an ID finding Ouhai and Wenzhou in default upon their failure to show cause. Ouhai and Wenzhou did not respond to the motion and OUII supported the motion.

On April 20, 2015, the ALJ issued Order No. 95 which required Ouhai and Wenzhou to show cause no later than May 1, 2015, as to why they should not be held in default and judgment rendered against them pursuant to 19 C.F.R. § 210.16. No responses were received from Ouhai and Wenzhou to the show cause order.

The ALJ issued the subject ID (Order No. 106) on May 8, 2015, finding Ouhai and Wenzhou in default, pursuant to 19 C.F.R. §§ 210.13 and 210.16, because these respondents did not respond to the complaint and notice of investigation, or to Order No. 95 to show cause. No party petitioned for review.

The Commission has determined not to review the subject ID. Accordingly, Ouhai and Wenzhou have been found in default.

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: June 2, 2015