

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN FOOTWEAR PRODUCTS

Investigation No. 337-TA-936
(Remand)

**NOTICE OF A COMMISSION DECISION TO EXTEND THE DATE FOR
DETERMINING WHETHER TO REVIEW A REMAND INITIAL DETERMINATION
FINDING NO VIOLATION OF SECTION 337 AND THE TARGET DATE FOR
COMPLETION OF THE INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to: (1) extend the date for determining whether to review a remand initial determination (“RID”) of the presiding administrative law judge (“ALJ”) finding no violation of section 337 to January 24, 2020; and (2) extend the target date for completion of the investigation to March 24, 2020.

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 <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://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. 81 *Fed. Reg.* 68482-83 (Nov. 17, 2014). The complaint alleges, *inter alia*, violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by reason of infringement of U.S. Trademark Registration No. 4,398,753 (“the ’753 trademark” or “the CMT design”), registered on September 10, 2013, and common law trademark infringement of the same mark. The Commission’s notice of investigation names numerous respondents including Skechers U.S.A., Inc. of Manhattan Beach, California and Highline United LLC d/b/a Ash Footwear USA, now of Hyde Park, Massachusetts. New Balance Athletic Shoe, Inc. was

subsequently added to the investigation as a respondent-intervenor. These three respondents remain active in the investigation, every other respondent having been terminated from the investigation or subsequent appeal. The following five respondents were found in default: Dioniso SRL of Perugia, Italy; Shenzhen Foreversun Industrial Co., Ltd. (a/k/a Shenzhen Foreversun Shoes Co., Ltd.) of Shenzhen, China; Fujian Xinya I&E Trading Co. Ltd. of Jinjiang, China; and Zhejiang Ouhai International Trade Co. Ltd. and Wenzhou Cereals Oils & Foodstuffs Foreign Trade Co. Ltd., both of Wenzhou, China. The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. 81 FR at 68482. The investigation was remanded to the Commission following a Federal Circuit decision. *See Converse, Inc. v. ITC*, 909 F.3d 1110 (Fed. Cir. 2018).

The ALJ issued his RID on October 9, 2019, finding no violation of section 337 as to all accused products of each active respondent that were previously determined to infringe the ’753 trademark if not invalid.

On October 22, 2019, Converse, the active respondents, and OUII each filed a petition for review of the RID. On October 30, 2019, each of these parties filed responses to the other petitions for review.

The Commission has determined to: (1) extend the date for determining whether to review the RID to January 24, 2020; and (2) extend the target date for completion of the investigation to March 24, 2020.

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: November 22, 2019