

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN TOY FIGURINES AND TOY
SETS CONTAINING THE SAME**

Investigation No. 337-TA-948

**NOTICE OF THE COMMISSION'S DETERMINATION TO REVIEW AN INITIAL
DETERMINATION TERMINATING RESPONDENT MEGA BRANDS, INC. BASED
ON A CONSENT ORDER STIPULATION, A PROPOSED CONSENT ORDER, AND A
SETTLEMENT AGREEMENT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 23) terminating respondent MEGA Brands, Inc. ("MEGA") based on a consent order stipulation, a proposed consent order, and a settlement agreement.

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 March 16, 2015, based on a complaint filed by LEGO A/S of Billund, Denmark; LEGO System A/S of Billund, Denmark; and LEGO Systems, Inc. of Enfield, Connecticut. 80 Fed. Reg. 13629-30 (March 16, 2015). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain toy figurines and toy sets containing the same by reason of infringement of four U.S. design patents and four registered U.S. copyrights. The notice of investigation named as respondents LaRose Industries, LLC d/b/a Cra-Z-Art of Randolph, New Jersey; MEGA of Montreal, Quebec, Canada; and Best-Lock Construction Toys, Inc., of Miami, Florida ("Best-Lock"). Best-Lock has been terminated

from the investigation based on a consent order. *See* Notice of a Commission Determination Not to Review an Initial Determination Terminating the Investigation as to Respondent Best-Lock Construction Toys, Inc., Based on a Consent Order Stipulation and Proposed Consent Order; Issuance of Consent Order (June 19, 2015). The Office of Unfair Import Investigations was also named as a party.

On July 28, 2015, Complainants and MEGA filed a renewed joint motion to terminate the investigation as to MEGA based on a consent order stipulation, a proposed consent order, and a settlement agreement. On August 21, 2015, complainants and MEGA jointly submitted a revised consent order stipulation and proposed consent order. The Investigative Attorney did not oppose the renewed motion to terminate based in part on the August 21, 2015, revised consent order stipulation and proposed consent order. On August 26, 2015, the ALJ ordered the movants to file a revised version of the public settlement agreement. *See* Order No. 22. The subject ID indicated that the movants complied on August 31, 2015. *See* Order No. 23 at 2.

On September 3, 2015, the ALJ granted the joint motion. The ALJ found that the consent order stipulation, the proposed consent order, and settlement agreement comply with the Commission's rules. Order No. 23 at 2-3. The ALJ also found there is no evidence that termination of the investigation as to MEGA would be contrary to the public interest. *Id.* at 4. No petitions for review were filed.

The Commission has determined to review the subject ID because the consent order stipulation and the proposed consent order do not comply with Commission Rule 210.21(c). The moving parties are requested to file with the Commission no later than the close of business on October 19, 2015, revised versions of the consent order stipulation and proposed consent order in compliance with that Rule. Specifically, with respect to the consent order stipulation, paragraph 11 must include the word "final." *See* 19 C.F.R. 210.21(c)(3)(ii)(A). In addition, the footnote contained in the proposed consent order must be deleted as the Commission will not issue consent orders with terms beyond those provided in 19 C.F.R. 210.21(c)(4). The Commission is also not bound by any terms in the private parties' settlement agreement.

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: October 1, 2015