

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

In the Matter of

**CERTAIN WOVEN TEXTILE FABRICS AND
PRODUCTS CONTAINING SAME**

Investigation No. 337-TA-976

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO
ONE RESPONDENT ON THE BASIS OF A CONSENT ORDER
STIPULATION AND PROPOSED CONSENT ORDER;
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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 11), which terminated the investigation as to one respondent on the basis of a consent order stipulation and proposed consent order.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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 TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on December 18, 2015, based on a supplemented and twice-amended complaint filed by AAVN, Inc. of Richardson, Texas ("AAVN"). 80 *Fed. Reg.* 79094 (December 18, 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, or the sale within the United States after importation of certain woven textile fabrics and products containing same, by reason of infringement of certain claims of U.S. Patent No. 9,131,790 and/or by reason of false advertising. As against proposed respondent Elite Home Products, Inc. of Saddle Brook, New Jersey ("Elite"),

the complaint alleged false advertising, but not patent infringement. The notice of investigation named fifteen respondents, including Elite. The Office of Unfair Import Investigations was also named as a party.

On March 15, 2016, AAVN and Elite moved for termination of the investigation as to Elite based upon a settlement agreement and the entry of a consent order stipulation and consent order. *See* 19 C.F.R. § 210.21(b)-(c). On March 21, 2016, the Commission investigative attorney responded in support of the motion. No other responses were submitted.

On March 22, 2016, the ALJ granted the motion as an ID (Order No. 11). The ID found that the consent order stipulation and consent order comply with Commission Rules, 19 C.F.R. § 210.21(b)(1), (c)(3)-(c)(4), and that granting the motion would not adversely affect the public interest, *id.* § 210.50(b)(2). ID at 2-5.

No petitions for review of the ID were filed. The Commission has determined not to review the ID and has issued the consent order as to Elite.

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: April 19, 2016