

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 TWO
INITIAL DETERMINATIONS TERMINATING THE INVESTIGATION
AS TO TWO RESPONDENTS ON THE BASIS OF SETTLEMENT
AND TWO RESPONDENTS ON THE BASIS OF A 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 determinations ("IDs") (Order Nos. 16-17), which terminated the investigation as to two respondents on the basis of settlement (Order No. 16) and two respondents on the basis of a proposed consent order (Order No. 17).

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 ("the '790 patent") and/or by reason of

false advertising. The notice of investigation named fifteen respondents, including Amrapur Overseas, Inc. and Pacific Coast Textiles, Inc., both of Garden Grove, California (collectively, “Amrapur/PCT”); and E&E Company, Ltd. of Maharashtra, India and E&E Company, Ltd., d/b/a JLA Home of Fremont, California (collectively, “E&E”). The Office of Unfair Import Investigations was also named as a party.

On March 7, 2016, AAVN and Amrapur/PCT filed a joint motion to terminate the investigation as to Amrapur/PCT based upon a patent license agreement that settled the investigation. *See* 19 C.F.R. § 210.21(b). On March 11, 2016, the Commission investigative attorney (“IA”) responded in support of the motion. On May 3, 2016, the ALJ granted the motion as an ID. Order No. 16. The ALJ found that the motion complied with Commission rules, 19 C.F.R. § 210.21(b)(1), and that granting the motion would not adversely affect the public interest, *see id.* § 210.50(b)(2). Order No. 16 at 2-3.

On March 2, 2016, E&E filed a motion to terminate the investigation based upon entry of a proposed consent order. On March 9, 2016, the IA responded generally in support of the motion. AAVN did not oppose the motion. On May 3, 2016, E&E filed an amended motion that corrected certain errors in the proposed consent order. On May 3, 2016, the ALJ granted the amended motion as an ID. Order No. 17. The ALJ found that the motion complied with Commission rules, 19 C.F.R. § 210.21(c), and that granting the motion would not adversely affect the public interest, *see id.* § 210.50(b)(2). Order No. 17 at 2-4.

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

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: May 24, 2016