

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

**In the Matter of**

**CERTAIN MOTORIZED VEHICLES  
AND COMPONENTS THEREOF**

**Investigation No. 337-TA-1132**

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION FINDING THAT COMPLAINANT IS NOT CONTRACTUALLY  
BARRED FROM ENFORCING ITS INTELLECTUAL PROPERTY AGAINST THE  
NAMED RESPONDENTS**

**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. 18) of the presiding administrative law judge (“ALJ”) finding that complainant is not contractually barred from enforcing its intellectual property against the named respondents.

**FOR FURTHER INFORMATION CONTACT:** Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, 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, SW, 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 September 13, 2018, based on a complaint filed on behalf of FCA US LLC (“FCA”) of Auburn Hills, Michigan. 83 FR 46517-18. 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 U.S. Trademark Registration Nos. 2,161,779; 2,794,553; 2,862,487; 4,043,984; and 4,272,873. The complaint further alleges violations of section 337 based upon trade dress infringement, trademark dilution, and infringement of common law trademarks, 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 two respondents: Mahindra & Mahindra Ltd. of Mumbai, India and Mahindra Automotive North America, Inc. of Auburn Hills, Michigan (collectively, “Mahindra”). The

Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. The notice of investigation ordered the ALJ to issue an ID, within 100 days of institution, determining whether FCA is contractually barred from enforcing its intellectual property against Mahindra. *Id.* at 46518.

Following an evidentiary hearing and pre- and post-hearing briefing from the parties, the ALJ issued the subject ID on December 21, 2018. The ALJ found that FCA’s allegations in this investigation are not contractually barred.

On February 4, 2019, Mahindra petitioned for review of the ID’s finding that FCA’s allegations are not contractually barred. On February 11, 2019, OUII and FCA each filed a response in opposition to the petition for review.

Having reviewed the record in this investigation, including Mahindra’s petition for review and the responses thereto, the Commission has determined not to review the subject ID.

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 CFR part 210.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton", written in a cursive style.

Lisa R. Barton  
Secretary to the Commission

Issued: February 28, 2019