

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN POCKET LIGHTERS

Investigation No. 337-TA-1142

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION PARTIALLY TERMINATING THE INVESTIGATION
AS TO AN UNSERVED RESPONDENT**

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. 23) of the presiding administrative law judge (“ALJ”) granting an unopposed motion for partial termination of the investigation as to respondent Benxi Fenghe Lighter Co., Ltd. of Benxi, China (“Benxi” or “Unservd Respondent”) based on the withdrawal of the complaint allegations as to that respondent.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. 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: On February 12, 2019, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by BIC Corporation of Shelton, Connecticut (“BIC” or “Complainant”). *See* 84 *Fed. Reg.* 3486-87 (Feb. 12, 2019). The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain pocket lighters by reason of infringement of U.S. Trademark Registration Nos. 1,761,622 and 2,278,917. *See id.* The notice of investigation names numerous respondents including Benxi. *See id.* The Office of Unfair Import Investigations is also a party to the investigation. *See id.*

On December 10, 2019, Complainant filed an unopposed motion (“Motion”) to terminate the investigation as to the Unserved Respondent based on the withdrawal of the complaint allegations as to that respondent. No party filed a response to the Motion.

On December 18, 2019, the ALJ issued the subject ID (Order No. 23) granting the Motion. In accordance with Commission Rule 210.21(a)(1), 19 CFR 210.21(a)(1), the Motion represents that “there are no agreements, written or oral, express or implied between BIC and Benxi concerning the subject matter of this Investigation.” *See* Motion at 1. In addition, the ID notes that “[d]espite efforts by both the Commission’s Office of the Secretary . . . and BIC, . . . , Benxi has never been successfully served with the complaint and notice of investigation.” *See* ID at 1. Furthermore, the ID finds “no extraordinary circumstances that warrant denying the [M]otion.” *See id.*

No petition for review of the subject ID was filed. The Commission has determined not to review the 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', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: January 16, 2020