

**UNITED STATES INTERNATIONAL TRADE COMMISSION**

**Washington, D.C.**

**In the Matter of**

**CERTAIN LUXURY VINYL TILE AND  
COMPONENTS THEREOF**

**Investigation No. 337-TA-1155**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW INITIAL  
DETERMINATIONS GRANTING MOTIONS FOR PARTIAL TERMINATION OF THE  
INVESTIGATION AS TO CERTAIN RESPONDENTS BASED ON SETTLEMENT**

**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 initial determinations (“IDs”) (Order Nos. 15-21) of the presiding administrative law judge (“ALJ”) granting motions to terminate the investigation as to certain respondents based on settlement.

**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 May 16, 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 Mohawk Industries, Inc. of Calhoun, Georgia; Flooring Industries Ltd. Sarl of Bertrange, Luxembourg; and IVC US Inc. of Dalton, Georgia (collectively, “Complainants”). *See* 84 FR 22161 (May 16, 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 luxury vinyl tile and components thereof by reason of infringement of certain claims of U.S. Patent Nos. 9,200,460; 10,208,490; and 10,233,655. *See id.* The notice of investigation names numerous respondents, including: Changzhou Jinuo Decorative Material Co., Ltd of Jiangsu, China; IN.id Corp. of Diamond Bar, California; Nextar Wholesale and JKGY Inc. d/b/a Nextar Trading of City of Industry, California; RBT Industries LLC d/b/a Hardwood Bargains of

Austin, Texas; Chungstine Inc. d/b/a Expert Hardwood of Ontario, California; Zhejiang Changxing Senda Bamboo and Wood Products Co. Ltd. of Zhejiang, China; and JiangSu TongSheng Decorative Materials Co., Ltd. of Jiangsu, China (collectively, “Settling Respondents”). *See id.* The Office of Unfair Import Investigations (“OUII”) is also a party to the investigation. *See id.*

Complainants filed motions to terminate the investigation as to the Settling Respondents on September 10, 2019 and September 13, 2019. OUII filed responses in support of the motions on September 20, 2019, and September 25, 2019.

On September 27, 2019, the ALJ issued the subject IDs (Order Nos. 15-21) granting the motions. In accordance with Commission Rule 210.21(b)(1), 19 CFR 210.21(b)(1), the motions include redacted and unredacted copies of the settlement agreements. In addition, as noted in the IDs, each of the motions includes a statement that “[o]ther than the [settlement agreement], there are no other agreements, written or oral, express or implied, between Complainants and [each of the Settling Respondents] concerning the subject matter of this Investigation.” *See* IDs at 2. Furthermore, pursuant to Commission Rule 210.50(b)(2), 19 CFR 210.50(b)(2), the IDs find no evidence that terminating the investigation as to each of the Settling Respondents would be contrary to the public interest. *See id.* at 3. The IDs also stay the procedural schedule with respect to each of the Settling Respondents pending Commission review of the IDs. *See id.*

No petition for review of the subject IDs was filed. The Commission has determined not to review the subject IDs.

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.



Lisa R. Barton  
Secretary to the Commission

Issued: October 17, 2019