

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN RAISED GARDEN BEDS
AND COMPONENTS THEREOF**

Investigation No. 337-TA-1334

**NOTICE OF A COMMISSION DETERMINATION TO EXTEND THE TARGET DATE
FOR COMPLETION OF THE INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to extend the target date for the completion of this investigation to March 18, 2024.

FOR FURTHER INFORMATION CONTACT: Edward S. Jou, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3316. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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 October 19, 2022, based on an amended complaint (the "Complaint") filed by Vego Garden, Inc. of Houston, Texas (the "Complainant" or "Vego Garden"). 87 FR 63527-28 (Oct. 19, 2022). The Complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, based upon the importation into the United States, and in the sale of, certain raised garden beds and components thereof by reason of misappropriation of trade secrets and unfair competition, the threat or effect of which is to destroy or substantially injure a domestic industry. *Id.* at 63527. The Commission's notice of investigation named five respondents, and the name of one of the respondents was corrected pursuant to an amended complaint. *See* 88 FR 2637-38 (Jan. 17, 2023). The five named respondents, as amended, are: Huizhou Green Giant Technology Co., Ltd. ("Green Giant") of Guangdong, China; Utopban International Trading Co., Ltd. d/b/a Vegega of Rosemead, California; Utopban Limited ("Utopban") of Hong Kong, China; Forever Garden of El Monte, California; and VegHerb, LLC d/b/a Frame It All of Cary, North Carolina. *See id.* at 2638. The Office of Unfair Import Investigations ("OUII") is also a party in this investigation. *Id.*

The ALJ issued a final initial determination (“ID”) on September 8, 2023, finding a violation of section 337 by reason of misappropriation of trade secrets and unfair competition based on false advertising under the Lanham Act. Respondents Green Giant and Utopban filed a petition for review of the ID on September 20, 2023. Complainant Vego Garden filed a response in opposition to the petition on September 28, 2023. OUII filed a response in opposition to the petition on October 2, 2023.

On January 9, 2024, the Commission issued a notice determining to review the ID in part and requested additional briefing with respect to certain issues under review and requested submissions on the issues of remedy, the public interest, and bonding. *See* 89 FR 2645-47 (Jan. 16, 2024). On January 23, 2024, Complainant Vego Garden, Respondents Green Giant and Utopban, and OUII each filed submissions in response to the Commission’s notice. On January 30, 2024, each of the parties filed reply submissions.

The Commission has determined to extend the target date for completion of this investigation from March 11, 2024, to March 18, 2024.

The Commission vote for this determination took place on February 28, 2024.

This action is taken under the authority of 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', enclosed within a large, loopy oval shape.

Lisa R. Barton
Secretary to the Commission

Issued: February 28, 2024