

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

**In the Matter of**

**CERTAIN ELECTRIC FIREPLACES,  
COMPONENTS THEREOF, MANUALS  
FOR SAME, CERTAIN PROCESSES FOR  
MANUFACTURING OR RELATING TO  
SAME AND CERTAIN PRODUCTS  
CONTAINING SAME**

**Inv. No. 337-TA-791/826**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN  
INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO  
RESPONDENT WHALEN FURNITURE MANUFACTURING, INC. BASED ON A  
CONSENT ORDER STIPULATION, SETTLEMENT AGREEMENT, AND PARTIAL  
WITHDRAWAL OF THE COMPLAINT; 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 an initial determination ("ID") (Order No. 18) of the presiding administrative law judge ("ALJ") terminating the above-captioned investigation as to Whalen Furniture Manufacturing, Inc. ("Whalen") of San Diego, California based on consent order stipulation, settlement agreement, and partial withdrawal of the complaint.

**FOR FURTHER INFORMATION CONTACT:** Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., 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, 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's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted Investigation No. 337-TA-791 ("the 791 investigation") on July 20, 2011, based on a complaint filed by Twin-Star

International, Inc. of Delray Beach, Florida and TS Investment Holding Corp. of Miami, Florida (collectively, "Twin-Star"). 76 *Fed. Reg.* 43345-46 (July 20, 2011). The Commission instituted Investigation No. 337-TA-826 on January 19, 2012 based on another complaint filed by Twin-Star, and consolidated it with the 791 investigation. 77 *Fed. Reg.* 2757-58 (Jan. 19, 2012). The complaints allege a violation 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, and the sale within the United States after importation of certain electric fireplaces, components thereof, manuals for same, certain processes for manufacturing or relating to same and certain products containing same by reason of infringement of U.S. Copyright Nos. TX0007350474; TX0007350476; VA0001772660; and VA0001772661; and by reason of misappropriation of trade secrets, breach of contract, or tortious inference with contract, 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 several respondents including Whalen.

On May 11, 2012, Twin-Star and Whalen jointly moved to terminate the investigation as to Whalen based on a consent order, settlement agreement, and withdrawal of all allegations as to Whalen. The Commission investigative attorney filed a response in support of the joint motion, and no other responses were filed.

The ALJ issued the subject ID (Order No. 18) on June 1, 2012, granting the joint motion for termination. He found that the joint motion for termination by consent order, settlement agreement, and partial withdrawal of the complaint satisfied Commission rules 210.21(a), (b), and (c)(3). He further found, pursuant to Commission rule 210.50(b)(2), that termination of this investigation as to Whalen by consent order and settlement agreement is in the public interest. No party petitioned for review of 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 sections 210.21 and 210.42(h) of the Commission's Rules of Practice and Procedure, 19 C.F.R. §§ 210.21, 210.42(h).

By order of the Commission.



Lisa R. Barton  
Acting Secretary to the Commission

Issued: July 3, 2012