

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN TIRES AND PRODUCTS
CONTAINING SAME**

Investigation No. 337-TA-894

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW TWO INITIAL
DETERMINATIONS TERMINATING THE INVESTIGATION AS TO RESPONDENTS
OMNI AND D&K, AND SHANDONG LINGLONG**

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 two initial determinations (“IDs”) (Order Nos. 19 and 20) of the presiding administrative law judge (“ALJ”) terminating the investigation as to respondents American Omni Trading Co., LLC, and Dunlap & Kyle Company, Inc. d/b/a Gateway Tire and Service; and Shandong Linglong Tyre Co., Ltd., respectively.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3115. 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 this investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. § 1337, on September 20, 2013, based on a complaint filed by Toyo Tire & Rubber Co., Ltd. of Japan; Toyo Tire Holdings of Americas Inc. of Cypress, California; Toyo Tire U.S.A. Corp. of Cypress, California; Nitto Tire U.S.A. Inc. of Cypress, California; and Toyo Tire North America Manufacturing Inc. of White, Georgia (collectively, “Toyo”). The complaint, as supplemented, alleges a violation of section 337 by reason of infringement of certain claims of U.S. Design Patent Nos. D487,424; D610,975; D610,976; D610,977; D615,031; D626,913; D458,214; and D653,200. 78 *Fed. Reg.* 57882 (Sept. 20, 2013). The respondents are Hong Kong Tri-Ace Tire Co., Ltd. of Guangzhou, China; Weifang Shunfuchang Rubber & Plastic Co., Ltd. of Shouguang City, China; Doublestar Dong

Feng Tyre Co., Ltd. of Shiyang, China; Wheel Warehouse, Inc., of Anaheim, California; Shandong Yongtai Chemical Group Co., Ltd. of Dawang Town, Shangrao, China; MHT Luxury Alloys of Rancho Dominguez, California; Shandong Linglong Tyre Co., Ltd. of Zhaoyuan City, China (“Shandong Linglong”); Dunlap & Kyle Company, Inc., d/b/a Gateway Tire and Service of Batesville, Mississippi (“D&K”); Unicorn Tire Corp. of Memphis, Tennessee; West KY Customs, LLC of Benton, Kentucky; Svizz-One Corporation Ltd. of Bangkok, Thailand; South China Tire and Rubber Co., Ltd. of Guangzhou City, China; American Omni Trading Co., LLC of Houston, Texas (“Omni”); Tire & Wheel Master, Inc. of Stockton, California; Simple Tire of Cookeville, Tennessee; WTD Inc. of Cerritos, California; Guangzhou South China Tire & Rubber Co., Ltd. of Aotou, China; Turbo Wholesale Tires, Inc. of Irwindale, California; TireCrawler.com of Downey, California; Lexani Tires Worldwide, Inc. of Irwindale, California; Vittore Wheel & Tire of Asheboro, North Carolina; and RTM Wheel & Tire of Asheboro, North Carolina. *Id.* at 57883. Subsequently, the investigation as to several respondents was terminated, and the complaint and notice of investigation were amended to add Shandong Hengyu Science & Technology Co., Ltd. as respondent.

On November 27, 2013, complainants Toyo moved to terminate the investigation as to respondents Omni and D&K based on settlement agreements. On December 9, 2013, the Commission investigative attorney filed a response in support of Toyo’s motion. No other responses were received.

On December 13, 2013, the ALJ issued an ID (Order No. 19) granting the motion. The ALJ found that termination of the investigation as to respondents Omni and D&K based on settlement does not impose any undue burden on the public health and welfare, competitive conditions in the United States economy, production of like or directly competitive articles in the United States, or United States consumers. No party petitioned for review of ALJ Order No. 19, and the Commission has determined not to review it.

Furthermore, on December 2, 2013, complainants Toyo moved to terminate the investigation as to respondent Shandong Linglong on the basis of a settlement agreement. On December 12, 2013, Staff filed a response in support of the motion. No other responses were received.

On December 13, 2013, the ALJ issued an ID (Order No. 20) granting the motion. The ALJ found that termination of the investigation as to respondent Shandong Linglong based on settlement does not impose any undue burden on the public health and welfare, competitive conditions in the United States economy, production of like or directly competitive articles in the United States, or United States consumers. No party petitioned for review of ALJ Order No. 20, and the Commission has determined not to review it.

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 210.42-.46 of the Commission’s Rules of Practice and Procedure (19 C.F.R. §§ 210.42-.46).

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

Acting Secretary to the Commission

January 13, 2014