

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN FOOTWEAR PRODUCTS

Investigation No. 337-TA-936

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO CERTAIN
ACCUSED PRODUCTS OF RESPONDENT NEW BALANCE ATHLETIC SHOE, INC.
BASED ON A CONSENT ORDER STIPULATION AND CONSENT ORDER;
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. 83) of the presiding administrative law judge (“ALJ”) terminating the above-captioned investigation as to the accused CPT Hi and CPT Lo model sneakers (“CPT footwear”) of respondent New Balance Athletic Shoe, Inc. (“New Balance”) of Boston, Massachusetts based on a consent order stipulation and consent order. The Commission has issued the consent order.

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 this investigation on November 17, 2014, based on a complaint filed on behalf of Converse Inc. of North Andover, Massachusetts. 79 *Fed. Reg.* 68482-83. The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by reason of infringement of certain U.S. Trademark Registration Nos.: 4,398,753; 3,258,103; and 1,588,960. The complaint further alleges violations of section 337 based upon unfair competition/false designation of origin, common law trademark infringement and unfair competition, and trademark dilution, 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. New Balance was subsequently added as a respondent-intervenor. *See* Order No. 36 (unreviewed, Comm'n Notice Feb. 19, 2015). The Office of Unfair Import Investigations ("OUII") is also a party to the investigation. *Id.*

On March 25, 2015, New Balance moved to terminate the investigation as to New Balance's CPT footwear based on a consent order stipulation. OUII supported the motion and no other responses were received.

The ALJ issued the subject ID on April 9, 2015, granting the motion for partial termination as to New Balance's CPT Footwear. The ALJ found that the consent order stipulation and consent order satisfy the requirements of Commission rules 210.21(c). He further found, pursuant to Commission rule 210.50(b)(2), there is no indication that termination of this investigation as to New Balance's CPT footwear based on the consent order stipulation would adversely impact the public interest. No party petitioned for review of the ID.

The Commission has determined not to review the ID and has issued the consent order.

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 C.F.R. Part 210.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: May 6, 2015