

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

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In the Matter of)	
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CERTAIN AGRICULTURAL)	Investigation No. 337-TA-487
VEHICLES AND COMPONENTS)	
THEREOF)	
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**NOTICE OF A COMMISSION DETERMINATION NOT TO
REVIEW AN INITIAL DETERMINATION GRANTING IN PART
COMPLAINANT'S MOTION FOR SUMMARY DETERMINATION OF
THE EXISTENCE OF THE DOMESTIC INDUSTRY**

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 the initial determination ("ID") of the presiding administrative law judge ("ALJ") granting in part the motion of complainant Deere & Company ("Deere") for summary determination of the existence of the domestic industry. The ALJ granted the motion as it relates to the technical prong of the domestic industry requirement. The ALJ denied the motion as it concerns the economic prong.

FOR FURTHER INFORMATION CONTACT: Michael Diehl, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone (202) 205-3095. Copies of the ALJ's ID and all other nonconfidential 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. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<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>.

SUPPLEMENTARY INFORMATION: On February 13, 2003, the Commission instituted this investigation, which concerns allegations of unfair acts in violation of section 337 of the Tariff Act of 1930 in the importation and sale of certain agricultural vehicles and components thereof by reason of infringement and dilution of U.S. Registered Trademark Nos. 1,254,339, 1,502,103, 1,503,576, and 91,860. 68 *Fed. Reg.* 7388 (Feb. 13, 2003). On August 27, 2003, the Commission determined not

to review an ID amending the complaint and notice of institution to add allegations that U.S. Registered Trademark No. 2,729,766 had been infringed or diluted by respondents. 68 *Fed. Reg.* 52418, 52419 (Sept. 3, 2003).

On August 18, 2003, Deere moved pursuant to Commission rule 210.18 for a summary determination that there exists a “domestic industry” as defined in 19 U.S.C. § 1337(a)(3). Respondents Jiangling Tractor Co. and Dongfeng Agricultural Machinery Group indicated that they did not intend to submit an opposition to the motion. Respondents Bourdeau Brothers, Inc.; Erntetechnik Franz Becker; OK Enterprises; and Sunova Implement Co. opposed the motion, asserting that there exist genuine issues of material fact. The Commission’s investigative attorney supported the motion.

Judge Luckern issued the subject ID (Order No. 29) on September 5, 2003, granting in part the motion of complainant Deere for a summary determination of the existence of a domestic industry. The ALJ granted the motion as to the technical prong of the domestic industry requirement, and denied it as to the economic prong.

No party petitioned for review of the ID pursuant to 19 CFR 210.43(a), and the ID became the determination of the Commission pursuant to 19 CFR 210.42(h)(3).

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, and Commission rule 210.42, 19 C.F.R. § 210.42.

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: November 14, 2003