

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of)
)
)
CERTAIN AUTOMOTIVE MEASURING DEVICES,)
PRODUCTS CONTAINING SAME, AND) **Inv. No. 337-TA-494**
BEZELS FOR SUCH DEVICES)
)

**NOTICE OF COMMISSION DECISION NOT TO REVIEW TWO INITIAL
DETERMINATIONS FINDING RESPONDENTS DYNAMIC EXHAUST INDUSTRY CO.,
LTD. AND MODERN WORK, INC. IN DEFAULT**

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”) issued by the presiding administrative law judge (“ALJ”) in the above-captioned investigation finding respondents Dynamik Exhaust Industry Co., Ltd. (“Dynamik”), and Modern Work, Inc. (“Modern Work”) in default.

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 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 June 16, 2003, the Commission instituted an investigation based on a complaint filed by Auto Meter Products, Inc. (“Auto Meter”) of Sycamore, Illinois. Twelve companies were named as respondents. 68 *Fed. Reg.* 37023 (June 20, 2003). Auto Meter’s complaint alleges violations of section 337 of the Tariff Act of 1930 in the importation and sale of certain automotive measuring devices, products containing same, and bezels for such devices, by reason of infringement of U.S. Registered Trademark Nos. 1,732,643 and 1,497,472, and U.S. Supplemental Register No. 1,903908, and infringement of the complainant’s trade dress. Subsequently, seven more firms were added as respondents. The investigation was terminated as to

five respondents on the basis of consent orders.

On June 7, 2004, the ALJ issued two IDs (Orders Nos. 31 and 32) in which the ALJ found respondents Dynamik and Modern Work in default. Parties found in default waive their rights to appear, to be served with documents, and to contest the allegations at issue in this investigation. 19 C.F.R. 210.16(b)(3). No party petitioned for review of the IDs.

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 section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. 210.42).

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: August 6, 2004