

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

In the Matter of)	
)	
CERTAIN BEARINGS AND)	Inv. No. 337-TA-469
PACKAGING THEREOF)	
)	

NOTICE OF COMMISSION DECISIONS NOT TO REVIEW TWO INITIAL DETERMINATIONS, EACH TERMINATING THE INVESTIGATION AS TO ONE RESPONDENT ON THE BASIS OF A SETTLEMENT AGREEMENT

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 presiding administrative law judge's ("ALJ's") initial determination ("ID") terminating the above-captioned investigation as to respondent Ringball Corp. on the basis of a settlement agreement. Although the joint motion sought a termination "with prejudice," the Commission clarifies that it does not designate terminations as "with prejudice." *See Certain Bar Clamps, Bar Clamp Pads, and Related Packaging, Display, and Other Materials*, Inv. No. 337-TA-429 (holding that the Commission may not terminate an investigation "with prejudice" because of its statutory duty to investigate any properly filed complaint). The Commission has also determined not to review an ID terminating the investigation as to respondent Bearing Distributors, Inc. (BDI) on the basis of a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Jean Jackson, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3012. Copies of the ALJ's IDs 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. 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-ON-LINE) at <http://dockets.usitc.gov/eol/public>. 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 April 16, 2002, based on a complaint filed by SKF USA, Inc. (SKF) of Norristown, PA against various respondents including Ringball and BDI. *67 Fed. Reg.* 18632 (2002). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930 in the importation into the United States, sale for importation, and sale within the United States after importation of certain bearings by reason of infringement of registered and common law trademarks, dilution of trademarks, various acts in violation of the Lanham Act, and passing off. A count concerning unfair pecuniary benefits was dismissed by the Commission on September 23, 2002.

On November 21, 2002, SKF and Ringball filed a joint motion under Commission rule 210.21(b) to terminate the investigation with prejudice as to Ringball based on a settlement agreement. The motion was generally supported by the Commission investigative attorney. On November 27, 2002, the presiding ALJ issued an ID (Order No. 82) granting the joint motion to terminate. No petitions for review of the ID were filed. On November 22, 2002, SKF and BDI filed a joint motion to terminate the investigation as to BDI based on a settlement agreement. The motion was supported by the IA. The presiding ALJ issued an ID (Order No. 86) granting the joint motion on December 2, 2002. No petitions for review of the ID were filed.

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: December 18, 2002