

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN AGRICULTURAL VEHICLES
AND COMPONENTS THEREOF**

Inv. No. 337-TA-487

NOTICE OF INVESTIGATION

AGENCY: U.S. International Trade Commission

ACTION: Institution of investigation pursuant to 19 U.S.C. §1337

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on January 8, 2003, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. §1337, on behalf of Deere & Company of Moline, Illinois. Letters supplementing the complaint were filed on January 27 and 28, 2003. The complaint as supplemented alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation 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. The complaint further alleges that an industry in the United States exists as required by subsections (a)(1)(A) and (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent general exclusion order and permanent cease and desist orders.

ADDRESSES: The complaint and supplements, except for any confidential information contained therein, are 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., Room 112, Washington, D.C. 20436, telephone 202-205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 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 Document Information System (EDIS) at <https://edis.usitc.gov>.

FOR FURTHER INFORMATION CONTACT: David O. Lloyd, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2576.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. §210.10 (2002).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on February 6, 2003, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine:

(a) whether there is a violation of subsection (a)(1)(C) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain agricultural vehicles or components thereof by reason of infringement of U.S. Registered Trademark No. 1,254,339, 1,502,103, 1,503,576, or 91,860, and whether an industry in the United States exists as required by subsection (a)(2) of section 337; and

(b) whether there is a violation of subsection (a)(1)(A) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain agricultural vehicles or components thereof by reason of dilution of U.S. Registered Trademark No. 1,254,339, 1,502,103, or 1,503,576, the threat or effect of which is to destroy or substantially injure an industry in the United States.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

- (a) The complainant is–
Deere & Company
One John Deere Place
Moline, Illinois 61250

(b) The respondents are the following companies alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Jiangsu Yueda Co. Ltd.
71 Renmin Road Central
Yangcheng City
Jiangsu Province
China 224002

Dongfeng Agricultural Machinery Group
No. 10 Xinye Road
Changzhou
Jiangsu Province
China 213012

Jiangling Tractor Co.
509 Northern Yingbing Avenue
Nanchang City
Jiangxi Province
China 330001

Agra-Infocentrum-Benelux
Postbus 49
5110 AA Baarle-Nassau
The Netherlands

Agrideal
Chemin des Perrines
3550 Vitre
France

Erntetechnik Franz Becker
Naendorf 6
Metelen 48629
Germany

Agracat, Inc.
57 E. Main St.
Farmington, Arkansas 72730

Bolton Power Equipment
39 Whitcomb Road
Bolton, MA 01740

Bourdeau Bros., Inc.
590 Mason Road
Champlain, NY 12919-4855

China America Imports
33898 Adler Lane
Creswell, OR 97426

Co-Ag LLC
894 County Road
Theresa, WI 53091

Crossroads Technologies International
815 Bedford St.
Chesapeake, VA 23322

Dale Ilgen Enterprises
W. 6897 Firelane 4
Menasha, WI 54952

Davey-Joans Tractor & Chopper Supermarket
980 SR 13 Box 173
Williamstown, NY 13493

Fitzpatrick Farms
12210 Stone Road
Fowler, MI 48835

J & T Farms
370 Spring Grove Road
Ephrata, PA 17522

Lenar Equipment, LLC
3261 Northeast Alexander Lane
Albany, OR 97321

OK Enterprises
55617 County Road 13
Mountain Lake, MN 56159

Pacific Avenue Equipment
1015 Pacific Avenue
Yakima, WA 98901

SamTrac Tractor and Equipment
3199 Plummers Lane, No. 13
Chico, CA 95973

Stanley Farms
3821 County Hwy H
Stanley, WI 54768

Sunova Implement Co.
196679 19th Line RR #1
Lakeside, Ontario
Canada N0M 2G0

Task Master Equipment LLC/Tractors Etc.
83969 N. Pacific Highway 99
Creswell, OR 97426

Workhorse Tractors
36616 N. 27th Ave.
Phoenix, AZ 85806

(c) David O. Lloyd, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Room 401, Washington, D.C. 20436, who shall be the Commission investigative attorney, party to this investigation; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern is designated as the presiding administrative law judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. §210.13. Pursuant to 19 C.F.R. §§201.16(d) and 210.13(a), such responses will be considered by the Commission if received no later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and to authorize the administrative law judge and the Commission, without further notice to that respondent, to find the facts to be as alleged in the complaint and this notice and to enter both an initial determination and a final determination containing such findings, and may result in the issuance of a limited exclusion order or a cease and desist order or both directed against that respondent.

By order of the Commission.

Marilyn R. Abbott
Secretary

Issued: February 7, 2003