

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

In the Matter of

CERTAIN FOLDABLE STOOLS

Investigation No. 337-TA-693

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANT'S MOTION TO AMEND THE
COMPLAINT AND NOTICE OF INVESTIGATION**

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. 4) of the presiding administrative law judge ("ALJ") granting complainant's motion to amend the complaint and notice of investigation in the above-captioned investigation.

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 December 9, 2009, based on a complaint filed by B & R Plastics, Inc. ("B & R") of Denver, Colorado. *74 Fed. Reg.* 65155-6. The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain foldable stools by reason of infringement of U.S. Patent No. D460,566. The complaint further alleges the existence of a domestic industry. The Commission's notice of investigation named several respondents including the following: abc Distributing Inc. ("abc Distributing") of Bannockburn, Illinois; Crate & Barrel, Inc. ("Crate & Barrel") of Northbrook, Illinois; and Home Depot Inc. ("Home Depot") of Atlanta, Georgia.

On January 5, 2010, B & R filed an unopposed motion to amend the complaint and notice of investigation to substitute proposed respondent Home Depot U.S.A. Inc. for named respondent Home Depot, and to correct the corporate names of respondents abc Distributing and Crate & Barrel with “LTD Commodities, LLC, d/b/a abc Distributing” and “Euromarket Designs, Inc., d/b/a Crate & Barrel,” respectively.

On January 19, 2010, the ALJ issued the subject ID granting B & R’s motion to amend the complaint and notice of investigation. No party petitioned for review of the ID pursuant to 19 C.F.R. § 210.43(a). The Commission has determined not to review this ID.

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 sections 210.14 and 210.42(h) of the Commission’s Rules of Practice and Procedure, 19 C.F.R. §§ 210.14, 210.42(h).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: February 4, 2010