

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

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In the Matter of )  
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CERTAIN AGRICULTURAL VEHICLES ) Investigation No. 337-TA-487  
AND COMPONENTS THEREOF )  
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NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN  
INITIAL DETERMINATION FINDING THREE RESPONDENTS 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 an initial determination (“ID”) (ALJ Order No. 48) of the presiding administrative law judge (“ALJ”) in the above-captioned investigation finding respondents China America Imports (“China America”), Lenar Equipment LLC (“Lenar”), and Task Master Equipment LLC/Tractors Etc. (“Task Master”) in default.

FOR FURTHER INFORMATION CONTACT: Michael Diehl, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-3095. 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>. Hearing-impaired persons are advised that information on the matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810.

SUPPLEMENTARY INFORMATION: On February 13, 2003, the Commission instituted this investigation, which concerns allegations of unfair acts in violation of section 337 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 September 11, 2003, complainant Deere & Company (“Deere”) of Moline, Illinois, moved pursuant to Commission rule 210.17 for the issuance of a default judgment against six respondents -- China America, Lenar, Task Master, Sam Trac Tractor and Equipment (“Sam Trac”), Pacific Avenue Equipment (“Pacific”), and Agrideal -- for failing to file a prehearing statement as required by the

ground rules established for the investigation. The Commission investigative attorney (“IA”) supported Deere’s motion as to Sam Trac and Pacific. The IA conditionally supported the motion against China America, Lenar, and Task Master, provided that none responded to Deere’s motion or showed cause why they should not be held in default. The IA opposed the motion as to Agrideal because, according to the IA, Agrideal had made a good faith effort to participate in the investigation.

The ALJ issued ALJ Order No. 42 on September 25, 2003, ordering each of the respondents to show cause why it should not be found in default under Commission rules 210.16 and/or 210.17. No respondent responded to the show cause order.

On October 17, 2003, the ALJ issued an ID (ALJ Order No. 48), finding China America, Lenar, and Task Master each in default pursuant to Commission rule 210.17. The ALJ found that Agrideal is not in default under Commission rule 210.17. The ALJ found that the motion was moot as to Sam Trac and Pacific, because each had previously been found in default in ALJ Order No. 45. No party petitioned for review of the ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), and section 210.42 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.42).

Copies of the ID and all other nonconfidential documents filed in connection with this investigation 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., Washington, D.C. 20436, telephone 202-205-2000.

By order of the Commission.

Marilyn R. Abbott  
Secretary

Issued: November 7, 2003