

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

In the Matter of)

CERTAIN AGRICULTURAL TRACTORS,)
LAWN TRACTORS, RIDING LAWNMOWERS,)
AND COMPONENTS THEREOF)

Inv. No. 337-TA-486

**NOTICE OF COMMISSION DECISIONS NOT TO REVIEW
AN INITIAL DETERMINATION AMENDING THE COMPLAINT AND NOTICE OF
INVESTIGATION AND AN INITIAL DETERMINATION TERMINATING THE
INVESTIGATION AS TO TWO RESPONDENTS ON THE BASIS OF A CONSENT
ORDER; ISSUANCE OF CONSENT ORDER**

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") amending the complaint and notice of investigation to clarify the identity of one respondent and to add an additional respondent, and has also determined not to review the ALJ's ID terminating the above-captioned investigation as to those two respondents on the basis of a consent order. The consent order does not include within its scope any products beyond those that are the subject of this investigation

FOR FURTHER INFORMATION CONTACT: Clara Kuehn, 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 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. 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 February 10, 2003, based on a complaint and motion for temporary relief filed by New Holland North America, Inc. ("complainant") of

New Holland, PA. 68 *Fed. Reg.* 6772 (Feb. 10, 2003). The complaint 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 tractors and components thereof by reason of misappropriation of New Holland's trade dress. The notice of investigation identified three respondents, including Cove Equipment, Inc., of Conyers, Georgia. *Id.*

On March 11, 2003, complainant moved pursuant to Commission rule 210.14(b) to amend the complaint and notice of investigation to name as respondent Cove Communications, Inc., d/b/a Cove Equipment, Inc., ("Cove Communications") in lieu of respondent Cove Equipment, Inc., and to add Brian Navalinsky of Conyers, Georgia, as an additional respondent in both his personal capacity and in his capacity as a principal, agent, and/or representative of Cove Communications. On the same day, complainant filed a motion pursuant to Commission rule 210.21(c)(1)(ii) to terminate the investigation with respect to respondents Cove Communications and Brian Navalinsky based on a proposed consent order. Commission rule 210.21(c)(1)(ii), provides that a motion to terminate by consent order "may be filed by one or more respondents, and may be filed jointly with other parties to the investigation." Because the stipulation executed by complainant, Cove Communications, and Brian Navalinsky accompanying the motion to terminate refers to the motion to terminate as a "joint motion," the Commission deems the motion a "joint motion" for purposes of Commission rule 210.21(c)(1)(ii). On March 17, 2003, the Commission investigative attorney filed responses in support of each of the motions.

On March 31, 2003, the ALJ issued an ID (ALJ Order No. 8) granting the motion to amend the complaint and notice of investigation. On April 1, 2003, the ALJ issued an ID (ALJ Order No. 9) granting the motion to terminate the investigation as to Cove Communications and Brian Navalinsky. No petitions for review of either 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: April 23, 2003