

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

**In the Matter of**

**CERTAIN PORTABLE POWER  
STATIONS AND PACKAGING  
THEREFOR**

**Investigation No. 337-TA-563**

**NOTICE OF REQUEST FOR WRITTEN SUBMISSIONS ON REMEDY, THE PUBLIC  
INTEREST, AND BONDING WITH RESPECT TO THE RESPONDENT  
FOUND IN DEFAULT**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission is requesting briefing on remedy, the public interest, and bonding with respect to a respondent previously found in default.

**FOR FURTHER INFORMATION CONTACT:** James A. Worth, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3065. 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 by notice on March 9, 2006, based on a complaint filed by Roadmaster (USA) Corporation ("Roadmaster") of Eatontown, New Jersey. 71 *Fed. Reg.* 13,166 (March 14, 2006). The complaint, as amended, alleges violations of section 337 of the Tariff Act of 1930 (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 portable power stations and packaging therefor by reason of infringement of United States Design Patent No. D469,739; U.S. Trademark Registration No. 2,594,538; and Copyright Registration No. VA-1-261-495. The complaint

further alleges the existence of a domestic industry. The Commission's notice of investigation names Sinochem Ningbo, Ltd., of Ningbo, China ("Sinochem"), as the only respondent.

On May 9, 2006, complainant Roadmaster moved pursuant to 19 U.S.C. § 1337(g)(1) and Commission Rule 210.16 for an order (1) directing Sinochem to show cause why it should not be found in default for failing to respond to the complaint and notice of investigation, and (2) upon failure of the respondent to show such cause, for an initial determination ("ID") finding the respondent in default. The administrative law judge ("ALJ") issued an ID on July 12, 2006, finding Sinochem in default, because respondent did not reply to the complaint nor notice of investigation, and respondent did not reply to the show cause order issued by the ALJ on November 5, 2005. The Commission declined to review the ALJ's determination that respondent Sinochem, the only respondent named in the investigation, defaulted.

On August 9, 2006, Roadmaster filed a declaration requesting immediate relief in the form of a limited exclusion order against the defaulting respondent. Section 337(g)(1) (19 U.S.C. § 1337(g)(1)) and Commission Rule 210.16(c) (19 C.F.R. § 210.16(c)) authorize the Commission to order limited relief against a respondent found in default, unless after consideration of the public interest factors, it finds that such relief should not issue. The Commission may (1) issue an order that could result in the exclusion of the subject articles from entry into the United States, and/or (2) issue one or more cease and desist orders that could result in the respondent being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry are either adversely affecting it or likely to do so. For background, see *In the Matter of Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843 (December 1994) (Commission Opinion).

If the Commission contemplates some form of remedy, it must consider the effects of that remedy upon the public interest. The factors the Commission will consider include the effect that an exclusion order and/or cease and desist order would have on (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the President has 60 days to approve or disapprove the Commission's action. During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

**WRITTEN SUBMISSIONS:** The parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Complainant and the investigative attorney are also requested to submit proposed remedial orders for the Commission's consideration. Complainant is requested to state the dates that the intellectual property rights at issue expire and the HTSUS numbers under which the accused products are imported. The written submissions and proposed remedial orders must be filed no later than close of business on September 6, 2006. Reply submissions must be filed no later than the close of business on September 13, 2006. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document and 12 true copies thereof on or before the deadlines stated above with the Office of the Secretary. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment unless the information has already been granted such treatment during the proceedings. All such requests should be directed to the Secretary of the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 C.F.R. § 210.5. Documents for which confidential treatment by the Commission is sought will be treated accordingly. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary.

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 210.16 and 210.50 of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.16 and 210.50).

By order of the Commission.

/s/  
Marilyn R. Abbott  
Secretary to the Commission

Issued: August 23, 2006