

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

In the Matter of

CERTAIN LIGHTERS

Investigation No. 337-TA-575

**NOTICE OF DECISION NOT TO REVIEW AN INITIAL DETERMINATION
GRANTING JOINT MOTION OF COMPLAINANTS ZIPPMARK, INC. AND ZIPPO
MANUFACTURING CO., INC. AND RESPONDENT KALAN LP TO TERMINATE
THE INVESTIGATION WITH RESPECT TO KALAN LP ON THE BASIS OF A
SETTLEMENT AGREEMENT**

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") initial determination ("ID") (Order No. 7) granting the joint motion of complainant Zippo Manufacturing Company, Inc., and ZippMark, Inc. and respondent Kalan LP ("Kalan") to terminate the above-captioned investigation with respect to Kalan on the basis of a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Monica A. Stump, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3106. Copies of the ALJ's ID and all other 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 June 20, 2006, based on a complaint filed by Zippo Manufacturing Company, Inc., of Bradford, Pennsylvania, and ZippMark, Inc. of Wilmington, Delaware, alleging 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 personal

lighters by reason of infringement of United States Trademark Registration No. 2,606,241 (“the Zippo trademark”). 71 *Fed. Reg.* 35450 (2006). The complaint named seven respondents: Tung Fong International Promotion Co., Ltd. of China, Wenzhou Star Smoking Set Co., Ltd. of China, Taizhou Rongshi Lighter Development Co., Ltd. of China, Wenzhou Tailier Smoking Set Co., Ltd. of China, Vista Wholesale of Greencastle, Indiana, beWild.com of Bellmore, New York, and Kalan of Landsdowne, Pennsylvania. Id.

On August 4, 2006, complainants and respondent Kalan filed a joint motion to terminate the investigation on the basis of a settlement agreement. The Commission investigative attorney supported the motion, and no party opposed the motion.

On August 24, 2006, the ALJ issued an ID (Order No. 7) granting the joint motion to terminate the investigation with regard to Kalan. The ALJ found that the joint motion complied with the requirements of Commission Rule 210.21 (19 C.F.R. § 210.21) by including copies of the settlement agreement and a statement that there are no other agreements, written or oral, express or implied, between the parties concerning the subject matter of the investigation. In addition, the ALJ concluded, pursuant to Commission Rule 210.50(b)(2) (19 C.F.R. § 210.50(b)(2)), that there is no evidence that termination of this investigation will prejudice the public interest or that settlement will adversely impact the public health and welfare, competitive conditions in the United States economy or United States consumers. Accordingly, the ALJ terminated the investigation with regard to Kalan. No petitions for review of this ID were filed.

Having examined the record of this investigation, the Commission has determined not to review the ALJ’s ID granting the joint motion to terminate the investigation with regard to Kalan.

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.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: September 12, 2006