

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

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**In the Matter of** )

**CERTAIN FOAM FOOTWEAR** )

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**Inv. No. 337-TA-567**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW  
AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION AS TO PALI  
HAWAII a/k/a/ ACME EX-IM, INC. 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's") initial determination ("ID") terminating the above-captioned investigation as to Pali Hawaii a/k/a Acme Ex-Im, Inc. on the basis of a settlement agreement.

**FOR FURTHER INFORMATION CONTACT:** Karen Veninga Driscoll, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3092. 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://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 May 11, 2006, based on a complaint filed on behalf of Crocs, Inc. of Niwot, Colorado ("Crocs"). 71 *Fed. Reg.* 27514. The complaint, as amended, alleged violations of section 337 of the Tariff Act of 1930 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain foam footwear, by reason of infringement of claims 1-2 of U.S. Patent No. 6,993,858, U.S. Design Patent No. D517,789, and the Crocs trade dress. The notice of investigation identified 11 respondents, including "Pali Hawaii," a trade name used by Acme EX-IM, Inc.

On June 7, 2006, Crocs and Pali Hawaii filed a joint motion to terminate the investigation

as to Pali Hawaii on the basis of a settlement agreement. On June 19, 2006, the Commission investigative attorney filed a response supporting the joint motion. On June 22, 2006, the ALJ issued an ID (Order No. 8) granting the joint motion. No petitions for review of the 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.

/s/  
Marilyn R. Abbott  
Secretary to the Commission

Issued: July 12, 2006