

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

In the Matter of

**CERTAIN CIGARETTES AND
PACKAGING THEREOF**

Investigation No. 337-TA-643

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION OF THE ADMINISTRATIVE LAW JUDGE
TO GRANT COMPLAINANT'S MOTION FOR ENTRY OF DEFAULT
AGAINST TWELVE RESPONDENTS**

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 administrative law judge's ("ALJ") initial determination ("ID") (Order No. 17) in the above-captioned investigation to grant the complainant's motion for entry of default against twelve respondents.

FOR FURTHER INFORMATION CONTACT: Jonathan J. Engler, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3112. Copies of the ALJ's IDs 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: On April 4, 2008, the Commission instituted this investigation, based on a complaint filed by Philip Morris USA Inc., naming Alcesia SRL; Emarket Systems Ltd. (d.b.a. all-discount-cigarettes.com); Jamen Chong (d.b.a. asiadfs.com); Tri-kita (d.b.a. cheapcigarettes4all.com); Mr. Eduard Lee (d.b.a. cigarettesonlineshop.com); Zonitech Properties Limited (d.b.a. cigline.net); Zonitech Properties Limited (d.b.a. shopping-heaven.com); Cendano (d.b.a. galastore.com); Ms. Svetlana Trevinska (d.b.a. save-on-cigarettes.com); LMB Trading SA (d.b.a. k2smokes.ch); G.K.L. International SRL (d.b.a. all-cigarettes-brandsxom); G.K.L. International SRL (d.b.a. smokerjim.net); and Best Product Solution Ltd. as respondents. The complainant alleges violations of Section 337 of the

Tariff Act of 1930, 19 U.S.C. § 1337, in the importation into the United States of certain cigarettes and packaging thereof that infringe registered trademarks owned by complainant.

On December 12, 2008, the ALJ issued an ID, Order No. 13, in which he determined to extend the target date in this investigation from July 6, 2009, to September 21, 2009. No petitions for review were filed, and the Commission determined not to review Order No. 13.

On November 25, 2008, Phillip Morris moved for an initial determination finding eleven respondents in default for failing to show cause why they should not be found in default. Phillip Morris identified Emarket Systems Ltd.; Jamen Chong; Tri-luta; Mr. Eduard Lee; Zonitech Properties Limited; Zonitech Properties Limited; Cendano; Ms. Svetlana Trevinska; LMB Trading SA; G.K.L. International SRL; and G.K.L. International SRL. In addition, Phillip Morris moved for an initial determination finding respondent Best Product Solution Ltd. (“Best Product”) in default under 19 C.F.R. §§ 210.16 and 210.17 for failing to respond to pleadings, failing to cooperate in discovery, failing to respond to Phillip Morris’ motion for sanctions, and failing to participate in any other way in this investigation. On January 9, 2009, the ALJ issued an initial determination, Order No. 17, granting Phillip Morris’ motion for entry of default as to all 12 respondents, including Best Product. No petitions for review were filed.

The Commission has determined not to review the subject ID. 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: February 5, 2009