

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

In the Matter of)
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)
CERTAIN RADIOS AND COMPONENTS THEREOF) **Inv. No. 337-TA-476**
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**NOTICE OF COMMISSION DECISIONS TO GRANT RESPONDENT'S MOTION TO
WITHDRAW ITS PETITION FOR REVIEW AND NOT TO REVIEW AN
INITIAL DETERMINATION GRANTING SUMMARY DETERMINATION
AS TO AN AFFIRMATIVE DEFENSE**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has granted the Motion To Withdraw Respondent Sun Coast Merchandise Corp.'s Petition For Review Of Order No. 19: Initial Determination Granting Summary Determination Of The Sixth Affirmative Defense (Motion Docket No. 476-026), and has determined not to review the presiding administrative law judge's ("ALJ's") initial determination ("ID") granting summary determination of the sixth affirmative defense (order dated January 14, 2003; *errata* dated January 24, 2003).

FOR FURTHER INFORMATION CONTACT: Mark B. Rees, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3116. 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: On August 14, 2002, the Commission instituted this investigation based on a supplemented complaint ("complaint") filed by Bose Corporation ("complainant") against Sun Coast Merchandise Corporation ("respondent"). The complaint 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 radios and components

thereof by reason of infringement of U.S. Trademark Registration No. 2,299,158. 67 *Fed. Reg.* 53007 (2002).

On December 24, 2002, complainant moved for partial summary determination as to, *inter alia*, respondent's sixth affirmative defense, which alleged that the doctrine of unclean hands operated to bar complainant's claims. Respondent opposed the motion. The Commission investigative attorney supported the motion's granting. On January 14, 2003, the ALJ issued his ID, contained in Order No. 19, granting complainant's motion as to the sixth affirmative defense. On January 23, 2003, respondent petitioned for review of the ID ("petition"). On January 24, 2003, complainant opposed the petition. The ALJ issued an *errata* to Order No. 19 on January 24, 2003, and respondent thereupon moved to withdraw its petition.

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: January 31, 2003