

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, DC**

IN THE MATTER OF

**CERTAIN HAND DRYERS AND
HOUSINGS FOR HAND DRYERS**

Investigation No. 337-TA-1015

CONSENT ORDER

The United States International Trade Commission has instituted an investigation at the request of Excel Dryer, Inc. (“Excel”) against Respondent ACL Group (Intl.) Ltd. (“ACL”). The Complaint alleges violations of section 337 based upon the importation into the United States, or in the sale of certain hand dryers and housings for hand dryers by reason of trade dress infringement, the threat or effect of which is to destroy or substantially injure an industry in the United States. The Commission voted to institute this Investigation on July 26, 2016, and the Notice of Institution published in the Federal Register on August 1, 2016. *See* 81 Fed. Reg. 50549 (2016).

Without admitting that an unfair act or infringement has been committed or that ACL will not sell for importation, import, distribute, market, advertise, sell, or otherwise transfer any kind of hand dryer product in the United States at all, ACL has executed a consent order stipulation and moved for an Initial Determination terminating this investigation as to ACL by entry of a consent order. ACL has executed a Consent Order Stipulation consistent with Commission Rules.

IT IS HEREBY ORDERED:

A. ACL has admitted and acknowledged that the Commission has *in rem* jurisdiction over the articles that are the subject of the Complaint and Notice of Investigation. ACL has admitted and acknowledged that the Commission has *in personam* jurisdiction over it for the purposes of the Stipulation and this Consent Order. ACL has admitted and acknowledged that the Commission has subject matter jurisdiction in this Investigation.

B. Effective immediately upon the entry of this Consent Order, ACL and its related companies shall not sell for importation, import, or sell after importation in the United States any hand dryers or housings for hand dryers, that Excel has alleged infringe the trade dress asserted in the Complaint filed on June 24, 2016 (“Subject Articles”), directly or indirectly, and shall not aid, abet, encourage, participate in, or induce the sale for importation, the importation, or the sale after importation of the Subject Articles in the United States except under consent or license from Excel.

C. Upon entry of the Consent Order, to the extent that ACL or its related companies has any inventory of Subject Articles in the United States intended for sale in the United States, ACL or its related companies will re-export or have such commercial inventory re-exported outside of the United States.

D. Effective immediately upon the entry of this Consent Order, ACL and its related companies shall cease and desist from importing into the United States and distributing Subject Articles alleged by the Complaint filed on June 24, 2016 to infringe the asserted trade dress.

E. ACL shall be precluded from seeking judicial review or otherwise challenging or contesting the validity of this Consent Order.

F. ACL shall cooperate with and shall not seek to impede by litigation or other means the Commission's efforts to gather information under subpart I of the Commission's Rules of Practice and Procedure, 19 CFR Part 210.

G. ACL and its officers, directors, employees, agents, and any entity or individual acting on its behalf and with its authority shall not seek to challenge the validity or enforceability of the asserted trade dress in any administrative or judicial proceeding to enforce the Consent Order.

H. If the asserted trade dress is held invalid or unenforceable by a court or agency of competent jurisdiction or as to any article that has been found or adjudicated not to infringe the asserted trade dress in a final decision, no longer subject to appeal, this Consent Order shall become null and void as to such invalid or unenforceable trade dress.

I. This Investigation is hereby terminated as to ACL, provided, however, that enforcement, modification, or revocation of the Consent Order shall be carried out pursuant to Subpart I of the Commission's Rules of Practice and Procedure, 19 CFR Part 210.

By Order of the Commission:



Lisa R. Barton
Secretary to the Commission

Issued: October 27, 2016.

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **COMMISSION ORDER** has been served by hand upon the Commission Investigative Attorney, Monisha Deka, Esq., and the following parties as indicated, on **October 27, 2016**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

On Behalf of Complainant Excel Dryer, Inc.:

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On Behalf of Respondent Jinhua Kingwe Electrical Co. Ltd. and Alpine Industries, Inc.:

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On Behalf of Respondent ACL Group (Intl.) Ltd.:

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On Behalf of Respondent Zhejiang Aike Appliance Co., Ltd.:

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