

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN ATHLETIC FOOTWEAR

Inv. No. 337-TA-1018

ORDER NO. 11: INITIAL DETERMINATION GRANTING RESPONDENTS' MOTIONS TO TERMINATE THE INVESTIGATION BASED ON CONSENT ORDER STIPULATIONS AND A PROPOSED CONSENT ORDER

(December 20, 2016)

On November 14, 2016, Respondent TRB Acquisitions LLC ("TRB") filed a motion (1018-002) to terminate the Investigation as to TRB based on a consent order stipulation and proposed consent order. On November 25, 2016, Respondents RBX Direct LLC, RBX.COM LLC, and RBX Active 01 LLC (collectively, "RBX") also filed a motion (1018-004) to terminate the Investigation as to RBX based on a consent order stipulation and proposed consent order. Lastly, on December 1, 2016, Respondent Elite Performance Footwear, LLC ("Elite") moved to terminate (1018-005) the Investigation as to Elite based on a consent order stipulation and proposed consent order.

While Complainants Reebok International Ltd. and Reebok International Limited (collectively, "Reebok") initially opposed TRB's motion, Reebok and Respondents filed a joint notice on December 12, 2016 that Reebok is now joining Respondents' motions to terminate. Reebok explains that the parties have all agreed to a single joint proposed consent order. (Joint Notice at 1.)

In accordance with Commission Rule 210.21(c)(1)(ii), Respondents have each entered into a "Consent Order Stipulation" and jointly entered into a proposed "Consent Order" with

Reebok, attached hereto as Exhibits A (TRB), B (RBX), C (Elite), and D (Proposed Consent Order). 19 C.F.R. § 210.21(c)(1)(ii). Commission Rule 210.21(c)(3) sets forth certain requirements for the contents of a consent order stipulation. 19 C.F.R. § 210.21(c)(3). The Consent Order Stipulations submitted by Respondents comply with the requirements of Commission Rule 210.21(c)(3).

Specifically, TRB and RBX agree that upon entry of the Consent Order:

[They] . . . will not sell for importation, import into the United States or sell in the United States after importation, directly or indirectly, or aid, abet, encourage, participate in, or induce the sale for importation, importation in to the United States or sale in the United States after importation of athletic footwear that infringes any of claims 1, 2, 9, 10, 11, 12, 13, 14, 15, 18, 19, 23, 24, 25, 26, and 27 of the '035 patent or claims 1, 5, 6, 11, 12, 13, 14, and 15 of the '221 patent, except under consent or license from Reebok.

(TRB Consent Order Stip. ¶ 2; RBX Consent Order Stip. ¶ 2.) Elite similarly agrees that upon entry of the Consent Order:

It . . . will not import into the United States athletic footwear that infringes any of claims 1, 2, 9, 10, 11, 12, 13, 14, 15, 18, 19, 23, 24, 25, 26, and 27 of the '035 patent or claims 1, 5, 6, 11, 12, 13, 14, and 15 of the '221 patent, except under consent or license from Reebok.

(Elite Consent Order Stip. ¶ 2.) Elite further agrees that as of December 31, 2016:

[It] . . . will not sell for importation, sell in the United States after importation, directly or indirectly, or aid, abet, encourage, participate in, or induce the sale for importation, importation in to the United States or sale in the United States after importation of athletic footwear that infringes any of claims 1, 2, 9, 10, 11, 12, 13, 14, 15, 18, 19, 23, 24, 25, 26, and 27 of the '035 patent or claims 1, 5, 6, 11, 12, 13, 14, and 15 of the '221 patent, except under consent or license from Reebok.

(*Id.* at ¶ 3 (noting that as of December 31, 2016, it will have no U.S. inventory of the imported athletic footwear that are accused of infringing the asserted patents).) Pursuant to Commission Rule 210.21(c)(3)(i), Respondents also agree to:

- (1) admit that the Commission has *in rem* jurisdiction over the subject matter of this Investigation, and *in personam* jurisdiction over [TRB, RBX, and Elite] (*see* TRB Consent Order Stip. ¶ 1; RBX Consent Order Stip. ¶ 1; Elite Consent Order Stip. ¶ 1);
- (2) expressly waive all rights to seek judicial review or otherwise challenge or contest the validity of the Consent Order (*id.* at ¶ 4);
- (3) cooperate with and 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 (*id.* at ¶ 5); and
- (4) the enforcement, modification, or revocation of the Consent Order being carried out pursuant to Subpart I of Part 210 of 19 C.F.R. § 210 (*id.* at ¶ 6).

Because this is an intellectual property-based investigation and in accordance with Commission Rule 210.21(c)(3)(i)(B), the Consent Order Stipulations also state that:

- (1) the Consent Order shall not apply with respect to any claim an intellectual property right that has expired or been found or adjudicated invalid or unenforceable by the Commission or a court or agency of competent jurisdiction, provided that such finding or judgment has become final and non-reviewable (*id.* at ¶ 9); and
- (2) Respondents will not seek to challenge the validity or enforceability of the patents that form the basis for the complaint in any administrative or judicial proceeding to enforce the Consent Order (*id.* at ¶ 10).

Additionally, Commission Rule 210.21(c)(4) sets forth certain requirements for the contents of the consent order. 19 C.F.R. § 210.21(c)(4). The Consent Order submitted by the parties complies with the requirements of Commission Rule 210.21(c)(4).

Consistent with 19 C.F.R. § 210.21(c), Respondents represent that "there are no other agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation." (TRB Mot. at 1; RBX Mot. at 1; Elite Mot. at 1.)

In any initial determination terminating an investigation by settlement agreement or consent order, the administrative law judge is directed to consider and make appropriate findings regarding the effect of the consent order on the public health and welfare, competitive conditions in the United States economy, production of like or directly competitive articles in the United States, and United States consumers. 19 C.F.R. § 210.50(b)(2). Respondents submit that the “Proposed Consent Order will conserve the time and resources of the private parties and the Commission.” (TRB Mem. at 3; RBX Mem. at 3; Elite Mem. at 3.) They also state that termination “is in the interest of the public and administrative economy” as there “is a public interest in avoiding needless litigation and conserving public resources.” (*Id.*) Finally, Respondents assert that “termination of this Investigation . . . based on the proposed Consent Order is in the public interest and does not affect the public health and welfare, competitive conditions of the U.S. economy, the production of like or directly competitive articles in the United States, or U.S. consumers.” (*Id.* at 4.)

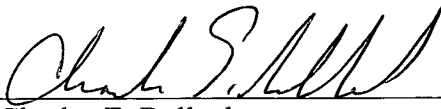
The undersigned finds that termination of this Investigation does not impose any undue burdens on the public health and welfare, competitive conditions in the United States economy, production of like or directly competitive articles in the United States, or United States consumers.

Accordingly, for good cause shown, it is the undersigned’s Initial Determination that Respondents’ motions (1018-002, -004, -005) to terminate this Investigation based on consent order stipulations and a proposed consent order be granted. This order hereby terminates the Investigation in its entirety.

This Initial Determination, along with supporting documentation, is hereby certified to the Commission. Pursuant to 19 C.F.R. § 210.42(h), this Initial Determination shall become the

determination of the Commission unless a party files a petition for review of the Initial Determination pursuant to 19 C.F.R. § 210.43(a), or the Commission, pursuant to 19 C.F.R. § 210.44, orders, on its own motion, a review of the Initial Determination or certain issues, herein.

SO ORDERED.



Charles E. Bullock
Chief Administrative Law Judge

EXHIBIT A

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

**Before the Honorable Charles Bullock
Chief Administrative Law Judge**

**In the Matter of
CERTAIN ATHLETIC FOOTWEAR**

Investigation No. 337-TA-1018

CONSENT ORDER STIPULATION

WHEREAS, the United States International Trade Commission on September 8, 2016 (81 Fed. Reg. 62920 (Sept. 13, 2016)), instituted the above-captioned investigation under Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), based upon the complaint filed by Complainants Reebok International, Ltd. and Reebok International Limited (together, “Reebok”), which alleged unfair acts in the importation into the United States, the sale for importation into the United States, and the sale within the United States after importation of certain athletic footwear, by, among others, Respondent TRB Acquisitions LLC (“TRB”), in violation of Section 337 with respect to claims 1, 2, 9, 10, 11, 12, 13, 14, 15, 18, 19, 23, 24, 25, 26, and 27 of United States Patent No. 7,637,035 (“the ’035 patent”) or claims 1, 5, 6, 11, 12, 13, 14, and 15 of United States Patent No. 8,505,221 (“the ’221 patent”).

WHEREAS, TRB is willing to accept entry of the Consent Order submitted concurrently herewith by the International Trade Commission and agrees to all waivers and other provisions as required by 19 C.F.R. § 210.21; and

WHEREAS, TRB agrees to all terms set forth in the Consent Order.

IT IS HEREBY STIPULATED by TRB in support of the Motion for an Order Terminating the Investigation as to TRB by Entry of a Consent Order as follows:

1. The Commission has subject matter jurisdiction over this investigation. The Commission has in rem jurisdiction over the accused athletic footwear that is the subject of the complaint in this investigation. The Commission also has *in personam* jurisdiction over TRB for purposes of this Stipulation and the proposed Consent Order.

2. TRB, including its officers, directors, employees, agents, and any entity or individual acting on its behalf and with its authority, agrees, upon entry of the Consent Order, that it will not sell for importation, import into the United States or sell in the United States after importation, directly or indirectly, or aid, abet, encourage, participate in, or induce the sale for importation, importation into the United States or sale in the United States after importation of athletic footwear that infringes any of claims 1, 2, 9, 10, 11, 12, 13, 14, 15, 18, 19, 23, 24, 25, 26, and 27 of the '035 patent or claims 1, 5, 6, 11, 12, 13, 14, and 15 of the '221 patent, except under consent or license from Reebok.

3. TRB has no existing U.S. inventories of imported athletic footwear that are accused of infringing the '035 and the '221 patents (the "Accused Products").

4. TRB expressly waives all rights to seek judicial review or otherwise challenge or contest the validity of the Consent Order.

5. TRB will cooperate with and will 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 C.F.R. Subchapter C, Part 210.

6. The enforcement, modification and revocation of the Consent Order will be carried out pursuant to Subpart I of the Commission's Rules of Practice and Procedure, 19 C.F.R. Subchapter C, Part 210.

7. The signing of this Stipulation is for settlement purposes only and does not constitute any admission by TRB that an infringement of the '035 and the '221 patents and/or an unfair act, unlawful act, or any act of importation of the Accused Products has been committed.

8. The Consent Order shall have the same force and effect and may be enforced, modified, or revoked in the same manner as is provided in Section 337 of the Tariff Act of 1930 and this part for other Commission actions, and the Commission may require periodic compliance reports pursuant to subpart I of this part to be submitted by TRB.

9. The Consent Order shall not apply with respect to any claim of an intellectual property right that has expired or been found or adjudicated invalid or unenforceable by the Commission or a court or agency of competent jurisdiction, provided that such finding or judgment has become final and non-reviewable.

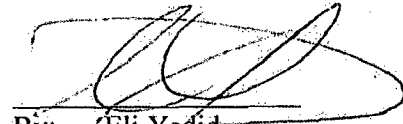
10. TRB will not seek to challenge the validity or enforceability of the patents that form the basis for the complaint in any administrative or judicial proceeding to enforce the Consent Order.

11. This Consent Order Stipulation and Consent Order are in the public interest.

IT IS SO STIPULATED.

Dated: November 10, 2016

TRB Acquisitions LLC

A handwritten signature in black ink, appearing to read 'Eli Yedid', is written over a horizontal line.

By: Eli Yedid
Manager

EXHIBIT B

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

**Before the Honorable Charles Bullock
Chief Administrative Law Judge**

**In the Matter of
CERTAIN ATHLETIC FOOTWEAR**

Investigation No. 337-TA-1018

CONSENT ORDER STIPULATION

WHEREAS, the United States International Trade Commission on September 8, 2016 (81 Fed. Reg. 62920 (Sept. 13, 2016)), instituted the above-captioned investigation under Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), based upon the complaint filed by Complainants Reebok International, Ltd. and Reebok International Limited (together, “Reebok”), which alleged unfair acts in the importation into the United States, the sale for importation into the United States, and the sale within the United States after importation of certain athletic footwear, by, among others, Respondent RBX Direct LLC, RBX.COM LLC, and RBX Active 01 LLC (“RBX”), in violation of Section 337 with respect to claims 1, 2, 9, 10, 11, 12, 13, 14, 15, 18, 19, 23, 24, 25, 26, and 27 of United States Patent No. 7,637,035 (“the ‘035 patent”) or claims 1, 5, 6, 11, 12, 13, 14, and 15 of United States Patent No. 8,505,221 (“the ‘221 patent”).

WHEREAS, RBX is willing to accept entry of the Consent Order submitted concurrently herewith by the International Trade Commission and agrees to all waivers and other provisions as required by 19 C.F.R. § 210.21; and

WHEREAS, RBX agrees to all terms set forth in the Consent Order.

IT IS HEREBY STIPULATED by RBX in support of the Motion for an Order Terminating the Investigation as to RBX by Entry of a Consent Order as follows:

1. The Commission has subject matter jurisdiction over this investigation. The Commission has in rem jurisdiction over the accused athletic footwear that is the subject of the complaint in this investigation. The Commission also has *in personam* jurisdiction over RBX for purposes of this Stipulation and the proposed Consent Order.

2. RBX, including its officers, directors, employees, agents, and any entity or individual acting on its behalf and with its authority, agrees, upon entry of the Consent Order, that it will not sell for importation, import into the United States or sell in the United States after importation, directly or indirectly, or aid, abet, encourage, participate in, or induce the sale for importation, importation into the United States or sale in the United States after importation of athletic footwear that infringes any of claims 1, 2, 9, 10, 11, 12, 13, 14, 15, 18, 19, 23, 24, 25, 26, and 27 of the '035 patent or claims 1, 5, 6, 11, 12, 13, 14, and 15 of the '221 patent, except under consent or license from Reebok.

3. RBX has no existing U.S. inventories of imported athletic footwear that are accused of infringing the '035 and the '221 patents (the "Accused Products").

4. RBX expressly waives all rights to seek judicial review or otherwise challenge or contest the validity of the Consent Order.

5. RBX will cooperate with and will 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 C.F.R. Subchapter C, Part 210.

6. The enforcement, modification and revocation of the Consent Order will be carried out pursuant to Subpart I of the Commission's Rules of Practice and Procedure, 19 C.F.R. Subchapter C, Part 210.

7. The signing of this Stipulation is for settlement purposes only and does not constitute any admission by RBX that an infringement of the '035 and the '221 patents and/or an unfair act, unlawful act, or any act of importation of the Accused Products has been committed.

8. The Consent Order shall have the same force and effect and may be enforced, modified, or revoked in the same manner as is provided in Section 337 of the Tariff Act of 1930 and this part for other Commission actions, and the Commission may require periodic compliance reports pursuant to subpart I of this part to be submitted by RBX.

9. The Consent Order shall not apply with respect to any claim of an intellectual property right that has expired or been found or adjudicated invalid or unenforceable by the Commission or a court or agency of competent jurisdiction, provided that such finding or judgment has become final and non-reviewable.

10. RBX will not seek to challenge the validity or enforceability of the patents that form the basis for the complaint in any administrative or judicial proceeding to enforce the Consent Order.

11. This Consent Order Stipulation and Consent Order are in the public interest.

IT IS SO STIPULATED.

RBX Direct LLC, RBX.COM LLC,
and RBX Active 01 LLC

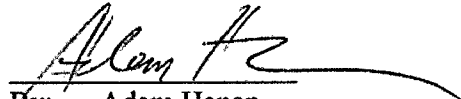

By: Adam Hanan
Director

EXHIBIT C

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

**Before the Honorable Charles Bullock
Chief Administrative Law Judge**

**In the Matter of
CERTAIN ATHLETIC FOOTWEAR**

Investigation No. 337-TA-1018

CONSENT ORDER STIPULATION

WHEREAS, the United States International Trade Commission on September 8, 2016 (81 Fed. Reg. 62920 (Sept. 13, 2016)), instituted the above-captioned investigation under Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), based upon the complaint filed by Complainants Reebok International, Ltd. and Reebok International Limited (together, “Reebok”), which alleged unfair acts in the importation into the United States, the sale for importation into the United States, and the sale within the United States after importation of certain athletic footwear, by, among others, Respondent Elite Performance Footwear, LLC (“Elite”), in violation of Section 337 with respect to claims 1, 2, 9, 10, 11, 12, 13, 14, 15, 18, 19, 23, 24, 25, 26, and 27 of United States Patent No. 7,637,035 (“the ‘035 patent”) or claims 1, 5, 6, 11, 12, 13, 14, and 15 of United States Patent No. 8,505,221 (“the ‘221 patent”).

WHEREAS, Elite is willing to accept entry of the Consent Order submitted concurrently herewith by the International Trade Commission and agrees to all waivers and other provisions as required by 19 C.F.R. § 210.21; and

WHEREAS, Elite agrees to all terms set forth in the Consent Order.

IT IS HEREBY STIPULATED by Elite in support of the Motion for an Order Terminating the Investigation as to Elite by Entry of a Consent Order as follows:

1. The Commission has subject matter jurisdiction over this investigation. The Commission has in rem jurisdiction over the accused athletic footwear that is the subject of the complaint in this investigation. The Commission also has *in personam* jurisdiction over Elite for purposes of this Stipulation and the proposed Consent Order.

2. Elite, including its officers, directors, employees, agents, and any entity or individual acting on its behalf and with its authority, agrees, upon entry of the Consent Order, that it will not import into the United States athletic footwear that infringes any of claims 1, 2, 9, 10, 11, 12, 13, 14, 15, 18, 19, 23, 24, 25, 26, and 27 of the '035 patent or claims 1, 5, 6, 11, 12, 13, 14, and 15 of the '221 patent, except under consent or license from Reebok.

3. Elite, including its officers, directors, employees, agents, and any entity or individual acting on its behalf and with its authority, agrees, as of December 31, 2016, that it will not sell for importation, sell in the United States after importation, directly or indirectly, or aid, abet, encourage, participate in, or induce the sale for importation, importation into the United States or sale in the United States after importation of athletic footwear that infringes any of claims 1, 2, 9, 10, 11, 12, 13, 14, 15, 18, 19, 23, 24, 25, 26, and 27 of the '035 patent or claims 1, 5, 6, 11, 12, 13, 14, and 15 of the '221 patent, except under consent or license from Reebok. As of December 31, 2016, Elite will have no U.S. inventory of the imported athletic footwear that are accused of infringing the '035 and the '221 patents (the "Accused Products").

4. Elite expressly waives all rights to seek judicial review or otherwise challenge or contest the validity of the Consent Order.

5. Elite will cooperate with and will 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 C.F.R. Subchapter C, Part 210.

6. The enforcement, modification and revocation of the Consent Order will be carried out pursuant to Subpart I of the Commission's Rules of Practice and Procedure, 19 C.F.R. Subchapter C, Part 210.

7. The signing of this Stipulation is for settlement purposes only and does not constitute any admission by Elite that an infringement of the '035 and the '221 patents and/or an unfair act, unlawful act, or any act of importation of the Accused Products has been committed.

8. The Consent Order shall have the same force and effect and may be enforced, modified, or revoked in the same manner as is provided in Section 337 of the Tariff Act of 1930 and this part for other Commission actions, and the Commission may require periodic compliance reports pursuant to subpart I of this part to be submitted by Elite.

9. The Consent Order shall not apply with respect to any claim of an intellectual property right that has expired or been found or adjudicated invalid or unenforceable by the Commission or a court or agency of competent jurisdiction, provided that such finding or judgment has become final and non-reviewable.

10. Elite will not seek to challenge the validity or enforceability of the patents that form the basis for the complaint in any administrative or judicial proceeding to enforce the Consent Order.

11. This Consent Order Stipulation and Consent Order are in the public interest.

IT IS SO STIPULATED.

Dated: November 30, 2016

Elite Performance Footwear, LLC


By: Alan Safdey

EXHIBIT D

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

**Before the Honorable Charles Bullock
Chief Administrative Law Judge**

In the Matter of

CERTAIN ATHLETIC FOOTWEAR

Investigation No. 337-TA-1018

JOINT [PROPOSED] CONSENT ORDER

The United States International Trade Commission on September 8, 2016 (81 Fed. Reg. 62920 (Sept. 13, 2016)), instituted the above-captioned investigation under Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), naming five respondents, including TRB Acquisitions LLC (“TRB”), RBX Direct LLC (“RBX Direct”), RBX.COM LLC (“RBX.COM”), RBX Active 01 LLC (“RBX Active”) (collectively, “RBX”), and Elite Performance Footwear, LLC (“Elite”) (collectively, “Respondents”), based upon the complaint filed by Complainants Reebok International, Ltd. and Reebok International Limited (together, “Reebok”) that alleged unfair acts in the importation into the United States, the sale for importation into the United States, and the sale within the United States after importation of certain athletic footwear by Respondents, in violation of Section 337 with respect to claims 1, 2, 9, 10, 11, 12, 13, 14, 15, 18, 19, 23, 24, 25, 26, and 27 of United States Patent No. 7,637,035 (“the ’035 patent”) and/or claims 1, 5, 6, 11, 12, 13, 14, and 15 of United States Patent No. 8,505,221 (“the ’221 patent”).

Respondents have executed Consent Order Stipulations in which they agree to the entry of this Consent Order and to all waivers and other provisions as required by Commission Rule of Practice and Procedure 210.21(c) (19 C.F.R. § 210.21(c)). Respondents have filed Motions to Terminate the Investigation based on a Consent Order. Complainant Reebok has joined these motions, and Respondents and Complainant jointly propose the following Consent Order.

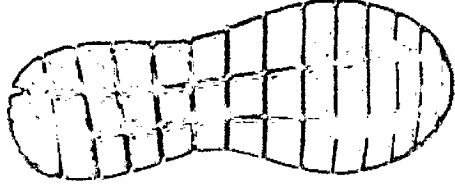
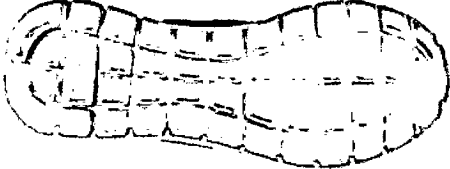


IT IS HEREBY ORDERED THAT:

1. Upon the entry of this Consent Order, Respondents shall not import into the United States athletic footwear that infringes any of claims 1, 2, 9, 10, 11, 12, 13, 14, 15, 18, 19, 23, 24, 25, 26, 1 and 27 of the '035 patent or claims 1, 5, 6, 11, 12, 13, 14, and 15 of the '221 patent, except under consent or license from Reebok.

2. Upon the entry of this Consent Order, Respondents shall not sell for importation, sell in the United States after importation, directly or indirectly, or aid, abet, encourage, participate in, or induce the sale for importation, importation into the United States or sale in the United States after importation of athletic footwear that infringes any of claims 1, 2, 9, 10, 11, 12, 13, 14, 15, 18, 19, 23, 24, 25, 26, and 27 of the '035 patent or claims 1, 5, 6, 11, 12, 13, 14, and 15 of the '221 patent after December 31, 2016, except under consent or license from Reebok.

3. Reebok's Complaint and the exhibits thereto identify and describe the imported athletic footwear identified as infringing the '035 and/or the '221 patents (the "Accused Products"). The Accused Products include, but are not limited to, Respondents' "RBX®" branded Men's Lightweight Active shoe, Men's Prime Cross Training Balance shoe, Men's Cross Training Mesh Workout shoe, Women's Elite Athletic Mesh Running shoe, Men's X-Knit Special Edition Training shoe, Men's Classic Runner shoe, Men's Lumen Performance shoe, Men's Prime Athletic shoe, Men's Breathable Lightweight Free Running shoe, Men's Stratus Cross Training shoe, and Women's Elite Athletic Mesh Running shoe. The Accused Products may also be identified by the following names: Bolt, Leon9, Lance9, Blake, Haylie9, Rena9, Roger9, Marco9, Lucas, Logan9, X-Knit Special Edition, or X-Knit Podium. The Accused Products further include any athletic footwear products incorporating soles that are (1) the same

as any of the representative Accused Sole designs identified in Reebok’s Complaint and depicted below, and (2) different from any of the representative Accused Sole designs where the differences between the sole and the closest representative Accused Sole design are merely insubstantial as that term has been interpreted in connection with application of the Doctrine of Equivalents.

Representative Accused Sole No.	Sole
1	
2	
3	
4	

4. As of December 31, 2016, Respondents will have no U.S. inventories of Accused Products.

5. As of December 31, 2016, Respondents shall cease and desist from distributing Accused Products in the United States.

6. This Consent Order shall be applicable to and binding upon Respondents and their officers, directors, agents, servants, attorneys, employees, affiliates, and all persons, firms, or corporations acting or claiming to act on their behalf or under their direction or authority.

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

8. Respondents 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 C.F.R. Part 210.

9. Respondents and their officers, directors, employees, agents, and any entity or individual acting on their behalf and with their authority shall not seek to challenge the validity or enforceability of the claims of the '035 and '221 patents in any administrative or judicial proceeding to enforce the Consent Order.

10. Upon the expiration of the '035 and '221 patents, this Consent Order shall become null and void as to each such expired patent.

11. The Consent Order shall not apply with respect to any claim of an intellectual property right that has expired or been found or adjudicated invalid or unenforceable by the Commission or a court or agency of competent jurisdiction, provided that such finding or judgment has become final and non-reviewable.

12. This investigation is hereby terminated, 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 C.F.R. part 210.

By Order of the Commission

Lisa A. Barton
Secretary to the Commission

Issued: _____, 2016

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER NO. 11** has been served upon the following parties as indicated, on **December 20, 2016**.



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

On Behalf of Complainants Reebok International Ltd.:

Joshua B. Pond, Esq.
KILPATRICK TOWNSEND & STOCKTON LLP
607 14th Street NW, Suite 900
Washington, DC 20005

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: _____

On Behalf of Respondents TRB Acquisitions LLC; RBX Active 01 LLC, RBX DIRECT LLC, RBX.COM LLC; AND Elite Performance Footwear, LLC:

Anthony W. Shaw
ARENT FOX LLP
1675 Broadway
New York, NY 10019

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: _____