

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN MOTORIZED VEHICLES
AND COMPONENTS THEREOF**

Inv. No. 337-TA-1132

ORDER NO. 12: SETTING THE TARGET DATE AT SIXTEEN MONTHS

(October 26, 2018)

By publication of a notice in the *Federal Register* on September 13, 2018, pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, the Commission instituted this investigation to determine:

(a) Whether there is a violation of subsection (a)(1)(A) of Section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of trade dress infringement, trademark dilution, or infringement of common law trademarks, the threat or effect of which is to destroy or substantially injure an industry in the United States;

(b) whether there is a violation of subsection (a)(1)(C) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of the '873 mark [U.S. Trademark Registration No. 4,272,873]; the '487 mark [U.S. Trademark Registration No. 2,862,487]; the '779 mark [U.S. Trademark Registration No. 2,161,779]; the '553 mark [U.S. Trademark Registration No. 2,794,553]; and the '984 mark [U.S. Trademark Registration No. 4,043,984], and whether an industry in the United States exists as required by subsection (a)(2) of section 337.

83 Fed. Reg. 46517 (Sept. 13, 2018).

The Commission also ordered that the undersigned determine whether the Complainant is contractually barred from enforcing its intellectual property against the named respondents:

Pursuant to section 210.10(b)(3) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(3), the presiding Administrative Law Judge shall hold an early evidentiary hearing, find facts, and issue an early decision, within


100 days of institution except for good cause shown, as to whether the complainant is contractually barred from enforcing its intellectual property against the named respondents. In the alternative, the presiding Administrative Law Judge may decide this issue through summary determination proceedings if he or she determines that no material facts are in dispute. Notwithstanding any Commission Rules to the contrary, which are hereby waived, any such decision should be issued in the form of an initial determination (ID) under Rule 210.42(a)(3), 19 CFR 210.42(a)(3). The ID will become the Commission's final determination 30 days after the date of service of the ID unless the Commission determines to review the ID. Any such review will be conducted in accordance with Commission Rules 210.43, 210.44, and 210.45, 19 CFR 210.43, 210.44, and 210.45.

Id.

The deadline for the early decision ID is December 24, 2018. *See* Order No. 3 (Sept. 13, 2018).

The target date for this investigation is hereby set to January 13, 2020, which is sixteen months from the date that the Notice of Investigation was published in the Federal Register. *See* 19 C.F.R. § 210.51(a); 19 C.F.R. § 201.14(a).

SO ORDERED.



Charles E. Bullock
Chief Administrative Law Judge

**CERTAIN MOTORIZED VEHICLES AND COMPONENTS
THEREOF**

INV. NO. 337-TA-1132

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **Order No. 12** has been served by hand upon the Commission Investigative Attorney, **Jeffrey Hsu, Esq.** and the following parties as indicated, on **OCT 26 2018**



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

FOR COMPLAINANT FCA US LLC	
Frank C. Cimino, Jr., Esq. VENABLE LLP 600 Massachusetts Avenue NW Washington, DC 20001	() Via Hand Delivery () Express Delivery (<input checked="" type="checkbox"/>) Via First Class Mail () Other: _____
FOR RESPONDENTS MAHINDRA & MAHINDRA LTD. and MAHINDRA AUTOMOTIVE NORTH AMERICA, INC.	
R. David Hosp, Esq. FISH & RICHARDSON P.C. One Marina Park Drive Boston, MA 02210	() Via Hand Delivery () Express Delivery (<input checked="" type="checkbox"/>) Via First Class Mail () Other: _____