

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN QUARTZ SLABS AND
PORTIONS THEREOF (II)

Inv. No. 337-TA-1017

**ORDER NO. 2: INITIAL DETERMINATION GRANTING COMPLAINANT'S
UNOPPOSED MOTION TO TERMINATE THE INVESTIGATION
BASED UPON COMPLAINANT'S WITHDRAWAL OF
COMPLAINT, AND TO SUSPEND PROCEDURAL SCHEDULE
PENDING COMMISSION'S FINAL DETERMINATION**

(August 25, 2016)

On August 23, 2016, pursuant to Commission Rule 210.21(a), Complainant Cambria Company LLC ("Complainant") filed a motion to terminate this Investigation in its entirety ("Motion to Terminate"), by withdrawing its Complaint filed on July 11, 2016. (Motion Docket No. 1017-001; Mot. at 1.). The Complainant filed its complaint against Respondents Stylen Quaza LLC DBA Vicostone USA, Vicostone Joint Stock Company, Building Plastics Inc., Fasa Industrial Corporation, Ltd., Foshan FASA Building Material Co., Ltd., Solidtops LLC, Dorado Soapstone LLC, and Pental Granite and Marble Inc. (collectively, "Respondents").¹ (*Id.*) Complainant also seeks suspension of the procedural schedule pending the Commission's final review. (*Id.* at 2.).

Complainant certifies, pursuant to Ground Rule 2.2, that: (1) on August 19, 2016, via email, it informed Respondents and Commission Investigative Staff ("Staff") of its intention to

¹ In its Complaint, Complainant alleges that Respondents violate 19 U.S.C. § 1337 in the importation of certain quartz slabs and portions thereof by reason of infringement of U.S. Patent Nos. D712,666; D712,670; D751,161; and D737,058. (Doc. ID No. 585566; Compl. at ¶ 1.).

withdraw the Complaint; and (2) on August 22, 2016, via teleconferences, it discussed Complainant's Motion to Terminate with counsel for Respondents and Staff. (*Id.*) According to Complainant's representations, Respondents and Staff do not oppose Complainant's Motion to Terminate. (*Id.*) Complainant notes it was informed that Respondent Pental Granite and Marble Inc. ("Respondent Pental") was planning to file a response to Complainant's Motion to Terminate. (*Id.*)

On August 24, 2016, Respondent Pental filed a response to Complainant's Motion to Terminate ("Respondent Pental's Response") in which it indicates that while it does not oppose the Motion To Terminate, it strongly denies the allegations set forth in Complainant's Complaint. (Doc. ID No. 588952; Resp. at 1.). Respondent Pental reserves its right to object pursuant to applicable statutes, Commission Rules and controlling legal precedent if Complainant reasserts its allegations against Respondent Pental. (*Id.*)

Also, on August 24, 2016, Staff filed a response supporting Complainant's Motion to Terminate ("Staff's Response"). (Doc. ID No. 588988; Staff Resp. at 1.). In its Response, Staff contends that: (1) Complainant's motion substantially complies with the requirements of Commission Rule 210.21(a)(1); (2) the motion was filed prior to any initial determination on violation of Section 337; and (3) based on Complainant's representations, there are no agreements, written or oral, express or implied, between Complainant and Respondents concerning the subject matter of this Investigation, as required by Commission Rule 210.21(a)(1). (*Id.* at 2.). Staff also asserts that good cause exists to suspend the Procedural Schedule pending resolution of the motion to terminate. (*Id.*)

Complainant observes that Commission Rule 210.21(a) provides in part that "[a]ny party may move at any time prior to the issuance of an initial determination on violation of section 337


of the Tariff Act of 1930 to terminate an investigation in whole or in part as to any or all respondents, on the basis of withdrawal of the complaint or certain allegations contained therein.” (Mot. at 2 (citing 19 C.F.R. § 210.21(a)(1))). Complainant also notes that the Commission has stated that “[i]n the absence of extraordinary circumstances, termination of an investigation will be readily granted to a complainant during the prehearing stage of an investigation.” (*Id.* (citing *Certain Television Sets, Television Receivers, Television Tuners & Components Thereof*, Inv. No. 337-TA-910, Order No. 50 at 2 (Nov. 12, 2014) (other citations omitted))).

Commission precedent supports suspension of a procedural schedule pending resolution of a motion to terminate an investigation in order to conserve public and private resources. (*Id.* at 3 (citing *Certain Universal Serial Bus (“USB”) Portable Storage Devices, Including USB Flash Drives & Components Thereof*, Inv. No. 337-TA-788, Order No. 16 at 2 (Mar. 21, 2012) (internal citation omitted))). Complainant asserts that its motion to terminate the Investigation complies with Commission Rules. Complainant also contends that there are no extraordinary circumstances that would prohibit the termination; and that pursuant to Commission Rule 210.21(a)(1), “there are no agreements, written or oral, express or implied, between the parties concerning the subject matter of this investigation (e.g., no settlement, licensing, or other such agreement(s)).” (Mot. at 3-4.).

Since all parties appear to agree that there are no extraordinary circumstances to prevent the termination of this Investigation, it is my Initial Determination, at least in part because it is in the public interest, that Motion Docket No. 1017-001 should be **granted**, and that this Investigation should be terminated. Moreover, the Complainant’s motion that the procedural schedule be suspended, pending a final review by the Commission, is also **granted**.

This Initial Determination is hereby certified to the Commission pursuant to 19 C.F.R. § 210.42(c). 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.



MaryJoan McNamara
Administrative Law Judge

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **INITIAL DETERMINATION** has been served by hand upon the Commission Investigative Attorney, Andrew Beverina, Esq., and the following parties as indicated, on **August 25, 2016**.



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

On Behalf of Complainant Cambria Company LLC:

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- Via Hand Delivery
- Via Express Delivery
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On Behalf of Respondents: Building Plastics Inc., Fasa Industrial Corporation, Ltd., and Foshan FASA Building Material Co., Ltd.

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On Behalf of Respondent Dorado Soapstone LLC and Solidtops LLC :

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On Behalf of Respondent Pental Granite and Marble Inc.:

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(II)**

Inv. No. 337-TA-1017

Certificate of Service – Page 2

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