

PUBLIC VERSION

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN LASER ABRADED DENIM
GARMENTS**

Inv. No. 337-TA-930

**ORDER NO. 17: INITIAL DETERMINATION GRANTING MOTION TO
TERMINATE FASHION BOX; AND**

**ORDER GRANTING STAFF MOTION FOR LEAVE TO
RESPOND OUT OF TIME**

(December 22, 2014)

On November 14, 2014, Complainants RevoLaze, LLC and TechnoLines, LLC and Respondent Fashion Box S.p.A. (“Fashion Box”) jointly filed a motion seeking to terminate Fashion Box on the basis of a settlement. (Motion Docket No. 930-008.) Movants explain that they have executed confidential Settlement and License Agreements (“Agreements”). (Mot. at 1.) They filed a public version of their motion, submitting non-confidential copies of the Agreements. (*Id.*; Mot., Ex. A.) They also affirm that there are “no other agreements, written or oral, express or implied between Complainants and Fashion Box or any other Respondent concerning the subject matter of this Investigation.” (Mot. at 1.) Movants additionally request that service of the unredacted version of the Agreements be limited to the Commission Investigative Staff (“Staff”) given the “highly sensitive nature of the redactions.” (Mot. Mem. at 1 (citing Commission Rule 210.21(b)(1)).)

On December 15, 2014, movants filed a revised Exhibit A to the public version of their joint motion, which removes some of the redactions to the previous public version.

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On December 15, 2014, Staff filed a motion seeking leave to file a response to the motion out of time. (Motion Docket No. 930-023.) Staff explains that Staff was preoccupied with another investigation and “inadvertently did not file a timely response[.]” (Staff Mot. at 1.) The undersigned ordered a shortened response time for Staff’s motion. (Order No. 14.) No oppositions were received. The undersigned finds that Staff’s motion seeking leave to file a response out of time should be GRANTED.

Turning to Staff’s response, Staff supports the motion to terminate Fashion Box in light of movants’ revised redactions. (Staff Resp. at 1.)

No other responses to the motion to terminate Fashion Box were received.

The Commission’s Rules permit termination of the Investigation in whole or in part with respect to one or more respondents on the basis of a settlement. 19 C.F.R. § 210.21(a)(1), (b)(1). In satisfaction of 19 C.F.R. § 210.21(b)(1), as noted above, movants have attached both public and confidential versions of the Agreements, and have made a statement that they have no other agreements concerning the subject matter of this Investigation. (*Id.*)

In the case of a proposed termination by settlement agreement,

the parties may file statements regarding the impact of the proposed termination on the public interest, and the administrative law judge may hear argument, although no discovery may be compelled with respect to issues relating solely to the public interest. Thereafter, the administrative law judge shall consider and make appropriate findings in the initial determination regarding the effect of the proposed settlement on the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, and U.S. consumers.

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19 C.F.R. § 210.50(b)(2). Movants and Staff believe that granting the joint motion would not be contrary to the public interest. (Mot. Mem. at 2; Staff Resp. at 3¹.) Furthermore, termination of litigation under these circumstances as an alternative method of dispute resolution is generally in the public interest and will conserve public and private resources.

For good cause shown, it is the Initial Determination of the undersigned that Motion Docket No. 930-008 should be GRANTED and that Respondent Fashion Box S.p.A. be terminated from the Investigation. This Investigation remains pending against Respondents Abercrombie & Fitch Co., American Eagle Outfitters, Inc., BBC Apparel Group, LLC, Gotham Licensing Group, LLC, The Buckle, Inc., Buffalo International ULC, 1724982 Alberta ULC, Diesel S.p.A., DL1961 Premium Denim Inc., Eddie Bauer LLC, The Gap, Inc., Guess?, Inc., H&M Hemies & Mauritz AB, H&M Hemies& Mauritz LP, Roberto Cavalli S.p.A., Koos Manufacturing, Inc., Levi Strauss & Co., Lucky Brand Dungarees, Inc., and VF Corporation. The undersigned further finds that movants' request for limited service of the unredacted Agreements should be GRANTED.

This Initial Determination, along with non-confidential copies of the Agreements,² 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

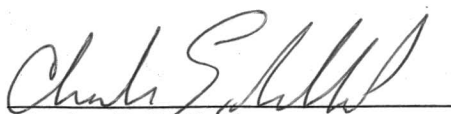
¹ Staff's brief does not contain page numbers.

² The Commission's Rules require both confidential and public versions of agreements. *See* 19 C.F.R. § 210.21(b)(1). Copies of the confidential or public versions of the Agreements are attached to the respective confidential and public versions of this Initial Determination.

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certain issues herein.

SO ORDERED.

A handwritten signature in black ink, appearing to read "Charles E. Bullock", written over a horizontal line.

Charles E. Bullock
Chief Administrative Law Judge

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Attorney, Peter J. Sawert, Esq., and upon the following parties as indicated, on **December 22, 2014**.



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**CERTAIN LASER ABRADED
DENIM GARMENTS**

337-TA-930

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