

**UNITED STATES INTERNATIONAL TRADE COMMISSION**

**Washington, D.C.**

**In the Matter of**

**CERTAIN INDUSTRIAL AUTOMATION  
SYSTEMS AND COMPONENTS THEREOF  
INCLUDING CONTROL SYSTEMS,  
CONTROLLERS, VISUALIZATION  
HARDWARE, MOTION CONTROL  
SYSTEMS, NETWORKING EQUIPMENT,  
SAFETY DEVICES, AND POWER  
SUPPLIES**

**Inv. No. 337-TA-1074**

**ORDER NO. 3:       SETTING TARGET DATE, HEARING DATES, AND  
PRELIMINARY CONFERENCE**

(October 31, 2017)

On October 10, 2017, the Commission issued a Notice of Investigation in this matter upon a complaint alleging violations of section 337 of the Tariff Act of 1930, as amended, by reason of infringement of U.S. Trademark Reg. No. 1,172,995 (“the ’995 trademark”); U.S. Trademark Reg. No. 696,401 (“the ’401 trademark”); U.S. Trademark Reg. No. 693,780 (“the ’780 trademark”); U.S. Trademark Reg. No. 1,172,994 (“the ’994 trademark”); U.S. Trademark Reg. No. 712,800 (“the ’800 trademark”); U.S. Trademark Reg. No. 712,836 (“the ’836 trademark”); U.S. Trademark Reg. No. 2,510,226 (“the ’226 trademark”); U.S. Trademark Reg. No. 2,671,196 (“the ’196 trademark”); U.S. Trademark Reg. No. 2,701,786 (“the ’786 trademark”); U.S. Trademark Reg. No. 2,412,742 (“the ’742 trademark”); U.S. Copyright Reg. No. TX0008389890 (“the ’890 copyright”); U.S. Copyright Reg. No. TX0008389887 (“the ’887 copyright”); U.S. Copyright Reg. No. TX0008390098 (“the ’098 copyright”); U.S. Copyright Reg. No. TX0008390094 (“the ’094 copyright”); U.S. Copyright Reg. No. TX0008390077 (“the

'077 copyright"); U.S. Copyright Reg. No. TX0008390088 ("the '088 copyright"); U.S. Copyright Reg. No. TX0008390116 ("the '116 copyright"); U.S. Copyright Reg. No. TX0008390084 ("the '084 copyright"); U.S. Copyright Reg. No. TX0008390111 ("the '111 copyright"); and U.S. Copyright Reg. No. TX0008390091 ("the '091 copyright"). The Commission ordered that an investigation be instituted to determine:

- (a) 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 industrial automation systems and components thereof including control systems, controllers, visualization hardware, motion and motor control systems, networking equipment, safety devices, and power supplies, by reason of infringement of the '995 trademark; the '401 trademark; the '780 trademark; the '994 trademark; the '800 trademark; the '836 trademark; the '226 trademark; the '196 trademark; the '786 trademark; and the '742 trademark; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;
- (b) whether there is a violation of subsection (a)(1)(B) 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 industrial automation systems and components thereof including control systems, controllers, visualization hardware, motion and motor control systems, networking equipment, safety devices, and power supplies, by reason of infringement of the '890 copyright; the '887 copyright; the '098 copyright; the '094 copyright; the '077 copyright; the '088 copyright; the '116 copyright; and the '111 copyright; and
- (c) whether there is a violation of subsection (a)(1)(A) in the importation or sale of certain industrial automation systems and components thereof including control systems, controllers, visualization hardware, motion and motor control systems, networking equipment, safety devices, and power supplies, by reason of unfair methods of competitions and unfair acts, the threat or effect of which is to destroy or substantially injure an industry in the United States;

Notice of Investigation at 2-3. The Commission further ordered:

Pursuant to Commission Rule 210.50(b)(1), 19 C.F.R. 210.50(b)(1), the presiding Administrative Law Judge shall take evidence or other information and hear arguments from the parties or other interested persons with respect to the public interest in this investigation, as appropriate, and provide the Commission with findings of fact and a

recommended determination on this issue, which shall be limited to the statutory public interest factors set forth in 19 U.S.C. sections 1337(d)(1), (f)(1), (g)(1);

*Id.* at 3. The investigation was instituted upon publication of the Notice of Investigation in the *Federal Register* on Monday, October 16, 2017. 82 Fed. Reg. 48113-15 (2017); *see* 19 C.F.R. § 210.10(b).

The Complainant is Rockwell Automation, Inc. of Milwaukee, Wisconsin. Notice of Investigation at 3. The respondents named in the complaint are Can Electric Limited of Guangzhou, China; Capnil (HK) Company Limited of Hong Kong; Fractioni (Hongkong) Ltd. of Shanghai, China; Fujian Dahong Trade Co., Ltd. of Fuzhou, China; GreySolution Limited d/b/a Fibica of Hong Kong; Huang Wei Feng d/b/a A-O-M Industry of Shenzhen, China; KBS Electronics Suzhou Co, Ltd. of Shanghai, China; PLC-VIP Shop d/b/a VIP Tech Limited of Hong Kong; Radwell International, Inc. d/b/a PLC Center of Willingboro, New Jersey; Shanghai EuoSource Electronic Co., Ltd. of Shanghai, China; ShenZhen T-Tide Trading Co., Ltd. of Shenzhen, China; SoBuy Commercial (HK) Co. Limited of Hong Kong; Suzhou Yi Micro Optical Co., Ltd. d/b/a Suzhou Yiwei Guangxue Youxiangongsi d/b/a Easy Micro-optics Co. Ltd. of Suzhou, China; Wenzhou Sparker Group Co. Ltd. d/b/a Sparker Instruments of Wenzhou, China; and Yaspro Electronics (Shanghai) Co., Ltd. of Shanghai, China. *Id.* at 3-5. The Office of Unfair Import Investigations is also a party. *Id.* at 5.

Based upon the issues identified in the Complaint and Notice of Investigation, and in consideration of the schedules for other ongoing investigations, the target date for completion of this investigation shall be Monday, February 18, 2019, which is sixteen months after institution of the investigation. *See* 19 C.F.R. § 210.51(a). Accordingly, the initial determination on alleged violation of section 337 shall be due by Thursday, October 18, 2018. *See* 19 C.F.R. § 210.42(a)(1)(i).

The evidentiary hearing in this investigation shall begin following a pre-hearing conference on Monday, July 30, 2018, and it will conclude by the close of business on Friday, August 3, 2018. *See* 19 C.F.R. § 210.36.

The parties shall submit a proposed procedural schedule no later than Monday, November 14, 2017, taking into account the target date and the above-identified dates for hearings. The contents for the procedural schedule are set forth in Ground Rule 2. The parties should make intensive good faith efforts to agree to a procedural schedule, and it is expected that in most instances the parties will submit a joint proposal. Any proposed procedural schedule should not be filed with the Secretary but served on the Administrative Law Judge pursuant to Ground Rule 1.3 with an electronic copy in Word format pursuant to Ground Rule 1.4.

I will hold a preliminary conference on Thursday, November 16, 2017, at 11:00 a.m. via telephone. The parties should be prepared to discuss any issues with respect to the ground rules, the protective order, the procedural schedule, discovery, and any other matters that may have surfaced. Counsel for Complainants shall be responsible for the logistics of the teleconference, including arranging for a court reporter and circulating a dial-in number.

**SO ORDERED.**



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Dee Lord  
Administrative Law Judge

**CERTAIN INDUSTRIAL AUTOMATION SYSTEMS AND  
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HARDWARE, MOTION CONTROL SYSTEMS,  
NETWORKING EQUIPMENT, SAFETY DEVICES, AND  
POWER SUPPLIES**

Inv. No. 337-TA-1074

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Attorney, **Reginald Lucas, Esq.**, and the following parties as indicated, on 10/31/2017



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

**On Behalf of Complainants Rockwell Automation, Inc.:**

Adam D. Swain  
**ALSTON & BIRD LLP**  
950 F Street NW  
Washington, DC 20004

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

**On Behalf of Respondent Radwell International  
d/b/a PLC Center:**

Deanna Tanner Okun  
ADDUCI, MASTRIANI & SCHAUMBERG LLP  
1133 Connecticut Ave., NW  
Washington, DC 20036

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

**Respondents:**

Can Electric Limited  
No. 2 Danan Rd, Yueziu District  
Guangzhou, Guangdong, 510115  
China

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

Capnil (HK) Company Limited  
Unit 603 6/F Koon Wah Mirrow  
Factory 3 Ind Bldg 5-9 Ka Hing  
Rd Kln Hk

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail

**CERTAIN INDUSTRIAL AUTOMATION SYSTEMS AND COMPONENTS THEREOF INCLUDING CONTROL SYSTEMS, CONTROLLERS, VISUALIZATION HARDWARE, MOTION CONTROL SYSTEMS, NETWORKING EQUIPMENT, SAFETY DEVICES, AND POWER SUPPLIES**

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Certificate of Service – Page 2

Hong Kong

Fractioni (Hongkong) Ltd.  
#327 Siping Road  
Shanghai 200092  
China

Fujian Dahong Trade Co., Ltd.  
A15-2303 Taihongyu Pushang Road  
Cangshan Fuzhou Fujian  
Fujian 350008  
China

GreySolution Limited d/b/a Fibica  
Unit B601, 6/F Block A  
Universal Ind. Ctr.  
19-25 Shan Mei St Sha Tin,  
Fo Tan, Hong Kong

Huang Wei Feng d/b/a A-O-M Industry  
Room 201 No. 55 2 Qu,  
Tdnshuiwei, Minzhi,  
Longhua, Boa'An, Shenzhen 511700  
China

KBS Electronics Suzhou Co, Ltd.  
Block 7&43, No. 328 Hengyong Road,  
Jiading district, Shanghai, China, 201806

PLC-VIP Shop d/b/a VIP Tech Limited  
95 Fuk Wing Street,  
Cheung Sha Wan, Kowloon  
Hong Kong

Other: \_\_\_\_\_

Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
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Certificate of Service – Page 3

Shanghai EuoSource Electronic Co., Ltd  
Block 43, No. 328, Hengyong Road  
Jiading District  
Shanghai, China 201806

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

ShenZhen T-Tide Trading co., Ltd.  
Room A-60S, Block Lexi  
Minle industrial park  
Mei Ban Road  
Long Hua District, Shenzhen 518031  
China

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

SOBuyCommercial (HK) Co. Limited  
Flat B G/F Yeung Yiu Chung (No. 6)  
Ind. Bldg. No. 19 Chetmg Shun Street  
Lai Chi Kok Kowloon  
Hong Kong

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

Suzhou Yi Micro Optical Co., Ltd.  
d/b/a Suzhou Yiwei Guangxue Youxiangongsi  
d/b/a Easy Micro-optics CO. LTD.  
Office Building 5F, 91 Weixin Rd  
Suzhou, SIP, Jiangsu  
China, 215021

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

Wenzhou Sparker Group Co. Ltd.  
d/b/a Sparker Instruments  
Room 503, Oujiang Masion, Wenzhou Road,  
Wenzhou, 325000, China

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

Yaspro Electronics (Shanghai) Co., Ltd.  
Room 1808E,,No. 488, Vaohua Road  
Pudong New District  
Shanghai, China

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_