

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

CERTAIN WINDSHIELD WIPERS AND
COMPONENTS THEREOF

Inv. No. 337-TA-928

Inv. No. 337-TA-937

(Consolidated)

(Remand)

**ORDER No. 43: INITIAL DETERMINATION GRANTING MOTION TO
TERMINATE THE REMAND INVESTIGATION WITH RESPECT
TO CERTAIN OBSOLETE PRODUCTS**

(January 11, 2016)

I. INTRODUCTION

On January 7, 2016, Complainants Valeo North America, Inc. and Delmex de Juarez S. de R.L. de C.V. (collectively, "Valeo") moved to terminate the Remand Investigation, pursuant to 19 C.F.R. § 210.21(a)(1), with respect to certain obsolete products (*Motion*). (Motion Docket No. 928-052.) Respondents Trico Products Corporation and Trico Componentes SA de CV (collectively, "Trico") do not oppose the *Motion*.

Complainants' *Motion* states that "Valeo has withdrawn its assertion of infringement of the asserted patents against Trico's products with 618 and 596 connectors," which effectively terminates the remand proceeding in this investigation. (*See Motion* at 1.)

II. STANDARDS OF LAW

Under Commission Rule 210.21(a)(1),

[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, or for good cause other than the grounds listed in paragraph (a)(2) of this section. A motion for termination of an investigation based on withdrawal of the complaint, or for good cause, shall contain a statement that there are no agreements, written or oral,

express or implied between the parties concerning the subject matter of the investigation

19 C.F.R. § 210.21(a)(1).

III. DISCUSSION

I find the requirements for terminating the Remand Investigation under Commission Rule 210.21(a)(1) to be satisfied. Complainants' *Motion* was filed before the issuance of the remand initial determination and before any evidentiary hearing on remand. In addition, Complainants represent that "there are no agreements, written or oral, express or implied between the parties concerning the subject matter of this Investigation." (*See Motion* at 1.)

Furthermore, "the Commission has held that 'in the absence of extraordinary circumstances, termination of an investigation will be readily granted to a complainant during the prehearing stage of an investigation.'" *Certain Mobile Elec. Devices Incorporating Haptics, Inv. No. 337-TA-834, Initial Determination, Order No. 35, 2013 WL 1278075 at *1* (U.S.I.T.C. Mar. 27, 2013) (quoting *Certain Ultrafiltration Membrane Systems, and Components Thereof, Including Ultrafiltration Membranes, Inv. No. 337-TA-107, Comm'n Action and Order, at 2* (U.S.I.T.C. Mar. 11, 1982)). I find no extraordinary circumstances in this case that prevent the termination of the Remand Investigation with respect to Trico's products with the obsolete 618 and 596 connectors. Rather, termination of the Remand Investigation is in the public interest and will conserve public and private resources.

IV. CONCLUSION

Accordingly, for good cause shown, it is my Initial Determination to GRANT Complainants' motion to terminate the Remand Investigation (Motion Docket Nos 928-052) as to Trico's products with the obsolete 618 and 596 connectors.

This Initial Determination, along with any 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.

A handwritten signature in cursive script, reading "Thomas B. Pender", with a long horizontal flourish extending to the right.

Thomas B. Pender
Administrative Law Judge

**IN THE MATTER OF CERTAIN WINDSHIELD WIPERS
AND COMPONENTS THEREOF**

337-TA-928

CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **PUBLIC ORDER NO. 43: INITIAL DETERMINATION** has been served upon, **The Office of Unfair Import Investigations** and the following parties on JAN 11 2016.



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

FOR COMPLAINANTS VALEO NORTH AMERICA, INC. & DELMEX de JUAREZ S. de R.L. de C.V.:

Eric W. Schweibenz, Esq.
**OBLON, McCLELLAND,
MAIER & NEUSTADT, LLP**
1940 Duke Street
Alexandria, VA 22314

() Via Hand Delivery
() Via Express Delivery
() Via First Class Mail
() Other: _____

**FOR RESPONDENT TRICO PRODUCTS CORPORATION; TRICO PRODUCTS, &
TRICO COMPONENTS SA de CV**

Scott M. Daniels, Esq.
WESTERMAN, HATTORI, DANIELS & ADRIAN LLP
1250 Connecticut Avenue, N.W., Suite 700
Washington, DC 20036

() Via Hand Delivery
() Via Express Delivery
() Via First Class Mail
() Other: _____