

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1028]

### Certain Mobile Device Holders and Components Thereof; Commission's Determination To Affirm a Domestic Industry Finding Under Modified Reasoning; Issuance of a General Exclusion Order; Issuance of Sixteen Cease and Desist Orders; Termination of the Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to affirm under modified reasoning the ALJ's finding on the economic prong of the domestic industry. The Commission has also determined to issue a general exclusion order directed against infringing mobile device holders and components thereof, and has issued sixteen cease and desist orders against various defaulting respondents. The investigation is hereby terminated.

**FOR FURTHER INFORMATION CONTACT:** Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2737. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on November 14, 2016, based on a complaint and supplements, filed on behalf of Nite Ize, Inc. of Boulder, Colorado ("Nite Ize"). 81 FR 79519-20 (Nov. 14, 2016). The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile device holders and

components thereof by reason of infringement of certain claims of U.S. Patent No. 8,602,376 ("the '376 patent"), U.S. Patent No. 8,870,146 ("the '146 patent"), U.S. Patent No. D734,746 ("the '746 patent"), and U.S. Patent No. D719,959 ("the '959 patent"). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337. The Commission's notice of investigation named the following respondents: REXS, LLC ("REXS LLC") of Lewes, Delaware; Spinido, Inc. of Brighton, Colorado; Guangzhou Kuaguoyi E-commerce Co., Ltd. d/b/a Kagu Culture ("Kagu Culture") of Baiyum, China; Sunpauto Co., Ltd. ("Sunpauto") of Kowloon, Hong Kong; Shenzhen Topworld Technology Co. d/b/a IdeaPro ("IdeaPro") of Hong Kong, Hong Kong; Ninghuaxian Wangfulong Chaojishichang Youxian Gongs, Ltd., d/b/a EasybuyUS of Shanghai, China; Chang Lee d/b/a Frentaly of Duluth, Georgia; Trendbox USA LLC d/b/a Trendbox ("Trendbox") of Scottsdale, Arizona; Tenswall d/b/a Shenzhen Tenswall International Trading Co. ("Tenswall") of La Puente, California; Luo Jieqiong d/b/a Wekin ("Wekin") of Chang Sha, China; Pecham d/b/a Baichen Technology Ltd. ("Pecham") of Wan Chai, Hong Kong; Cyrift d/b/a Guangzhou Sunway E-Commerce LLC of Guangzhou, China; Rymemo d/b/a Global Box, LLC of Dunbar, Pennsylvania; Yuan I d/b/a Bestrix of Hubei, China; Zhongshan Feiyu Hardware Technology Co., Ltd d/b/a YouFo ("YouFo") of Zhongshan City, China; and Shenzhen Youtai Trade Company Limited, d/b/a NoChoice; Luo, Qiben, d/b/a Lita International Shop of Nanshan; Shenzhen New Dream Technology Co., Ltd., d/b/a Newdreams ("Newdreams"); Shenzhen Gold South Technology Co., Ltd. d/b/a Baidatong; Wang Zhi Gang d/b/a IceFox ("Icefox"); Dang Yuya d/b/a Sminiker; Lin Zhen Mei d/b/a Anson ("Anson"); Wu Xuying d/b/a Novoland ("Novoland"); Shenzhen New Dream Sailing Electronic Technology Co., Ltd. d/b/a MegaDream; Tontek d/b/a Shenzhen Hetongtai Electronics Co., Ltd. ("Tontek"); Scotabc d/b/a ShenChuang Optoelectronics Technology Co., Ltd. ("Scotabc"); Zhiping Zhou d/b/a Runshion ("Runshion"); Huijुकon d/b/a Shenzhen Hui Ju Kang Technology Co. Ltd.; Barsone d/b/a Shenzhen Senweite Electronic Commerce Ltd.; Oumeiou d/b/a Shenzhen Oumeiou Technology Co., Ltd. ("Oumeiou"); Grando d/b/a Shenzhen Dashentai Network Technology Co., Ltd.; Shenzhen Yingxue Technology Co., Ltd.

("Shenzhen Yingxue"); Shenzhen Longwang Technology Co., Ltd., d/b/a LWANG ("LWANG"); Hu Peng d/b/a AtomBud; and Wang Guoxiang d/b/a Minse ("Minse") all of Shenzhen, China. The Office of Unfair Import Investigations ("OUII") was named as a party to the investigation.

Rymemo d/b/a Global Box, LLC and Chang Lee d/b/a Frentaly were terminated on the basis of a consent order. Commission Notice (March 21, 2017); Commission Notice (May 15, 2017). Barsone d/b/a Shenzhen Senweite Electronic Commerce Ltd., Shenzhen Youtai Trade Company Limited, d/b/a NoChoice, Ninghuaxian Wangfulong Chaojishichang Youxian Gongs, Ltd., d/b/a EasybuyUS, Shenzhen Gold South Technology Co., Ltd. d/b/a Baidatong, Cyrift d/b/a Guangzhou Sunway E-Commerce LLC, Hu Peng d/b/a AtomBud, Grando d/b/a Shenzhen Dashentai Network Technology Co., Ltd., Huijुकon d/b/a Shenzhen Hui Ju Kang Technology Co. Ltd., Luo, Qiben, d/b/a Lita International Shop, Shenzhen New Dream Sailing Electronic Technology Co., Ltd. d/b/a MegaDream, Spinido Inc., Dang Yuya d/b/a Sminiker, and Yuan I d/b/a Bestrix were terminated because service could not be effected. Commission Notice (June 13, 2017). The remaining respondents were previously found in default (collectively, "the Defaulting Respondents"). Commission Notice (May 26, 2017). In addition, the '746 and '959 patents were previously terminated from the investigation. Commission Notice (July 28, 2017).

On May 18, 2017, Nite Ize filed a Motion for Summary Determination of Violation by the Defaulting Respondents and for a Recommended Determination on Remedy and Bonding, Including Issuance of a General Exclusion Order, Limited Exclusion Orders (in the alternative), and Cease and Desist Orders. On June 16, 2017, the ALJ issued an initial determination ("ID") (Order No. 14) granting in-part Nite Ize's motion for summary determination. The Commission determined not to review that ID. Commission Notice (July 14, 2017).

On September 12, 2017, the ALJ issued his final initial determination ("FID") finding a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337. On the same day, the ALJ issued his Recommended Determination on Remedy and Bonding. No petitions for review of the FID were filed.

On November 13, 2017, the Commission determined to review the FID's findings on the economic prong of domestic industry and requested briefing on remedy, bonding, and the

public interest. 82 FR 54413–14 (Nov. 17, 2017). On November 30, 2017, Nite Ize and OUII filed their responses to the Commission's notice and on December 7, 2017, OUII filed a reply to Nite Ize's response.

Having examined the record of this investigation, the Commission has determined to affirm, under modified reasoning, the ALJ's finding with respect to the economic prong of the domestic industry.

The Commission has determined that the appropriate form of relief in this investigation is (a) a general exclusion order directed against products that infringe one or more of claims 1, 11, and 12 of the '376 patent and claims 1, 11, and 12 of the '146 patent; and (b) cease and desist orders prohibiting Trendbox, Tenswall, REXS LLC, Minse, IdeaPro, LWANG, Novolad, Oumeiou, Pecham, Runshion, Scotabc, Tontek, Wekin, Anson, Newdreams, and IceFox from importing, selling, offering for sale, marketing, advertising, distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors of imported mobile device holders that infringe one or more of claims 1, 11, and 12 of the '376 patent and claims 1, 11, and 12 of the '146 patent. The Commission has further determined that the public interest factors enumerated in section 337(d)(1) (19 U.S.C. 1337(d)(1)) and in section 337(g)(1) (19 U.S.C. 1337(g)(1)) do not preclude the issuance of the general exclusion order and cease and desist orders, respectively. Finally, the Commission has determined that the bond for importation during the period of Presidential review shall be in the amount of 100 percent of the entered value of the imported subject articles of the respondents. The investigation is terminated.

The Commission's orders and opinion were delivered to the President and the United States Trade Representative on the day of their issuance.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: February 22, 2018.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2018-04026 Filed 2-27-18; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On February 15, 2018, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of Illinois in the lawsuit entitled *United States v. Buckeye Pipe Line Company, L.P., et al.*, Civil Action No. 18-cv-1194.

The United States filed a Complaint for civil penalties and injunctive relief alleging violations of Sections 301 and 311(b) of the Clean Water Act (CWA) arising out of the discharge of approximately 705 barrels of jet fuel from a pipeline near Palos Park, Cook County, Illinois. The United States' Complaint names as defendants Buckeye Pipe Line Company, L.C., the operator of the pipeline, and West Shore Pipe Line Company, the owner of the pipeline. Both defendants signed the proposed Consent Decree to resolve these claims, agreeing to pay a total of \$400,000 in civil penalties and to maintain improvements made to prevent future discharges. Specifically, defendants have improved Control Center diagrams and operating procedures and have agreed to train all relevant personnel on these improvements. Defendants have also agreed to annually report on further improvements, corrective actions taken on the relevant pipeline, individuals trained and all releases reported to the National Response Center.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Buckeye Pipe Line Co. L.P., et al.*, D.J. Ref. No. 90-5-1-1-11370/2. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>.

We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$4.50 (25 cents per page reproduction cost) payable to the United States Treasury.

**Randall M. Stone,**

*Acting Assistant Section Chief,  
Environmental Enforcement Section,  
Environment and Natural Resources Division.*

[FR Doc. 2018-04083 Filed 2-27-18; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### 190th Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 190th open meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans (also known as the ERISA Advisory Council) will be held on March 27, 2018.

The meeting will take place in C5515 Rm. 2, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210 from 9:00 a.m. to approximately 3:00 p.m. The purpose of the open meeting is to set and discuss the topics to be addressed by the Council in 2018.

Organizations or members of the public wishing to submit a written statement may do so by submitting 30 copies on or before March 20, 2018 to Larry Good, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N-5623, 200 Constitution Avenue NW, Washington, DC 20210. Statements also may be submitted as email attachments in text or pdf format transmitted to [good.larry@dol.gov](mailto:good.larry@dol.gov). It is requested that statements not be included in the body of the email. Relevant statements received on or before March 20, 2018 will be included in the record of the meeting. No deletions, modifications, or redactions will be made to the statements received, as they are public records.

Individuals or representatives of organizations wishing to address the Advisory Council should forward their requests to the Executive Secretary or telephone (202) 693-8668. Oral presentations will be limited to ten