

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of)

CERTAIN AUTOMOTIVE MEASURING DEVICES,)
PRODUCTS CONTAINING SAME, AND)
BEZELS FOR SUCH DEVICES)

Inv. No. 337-TA-494

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION FINDING A RESPONDENT IN DEFAULT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the initial determination (“ID”) issued by the presiding administrative law judge (“ALJ”) on December 17, 2003, finding respondent Tenzo R in default in the above-captioned investigation.

FOR FURTHER INFORMATION CONTACT: Tim Yaworski, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3096. Copies of the ALJ’s ID and all other nonconfidential 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, S.W., Washington, D.C. 20436, telephone (202) 205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION: The Commission issued a notice of investigation dated June 16, 2003, naming Auto Meter Products, Inc. (“Auto Meter”) of Sycamore, Illinois as the complainant and several companies, including Tenzo R d/b/a Autotech Systems and Accessories of Santa Clarita, California, as respondents. On June 20, 2003, the notice of investigation was published in the *Federal Register*. 68 *Fed. Reg.* 37023. Auto Meter’s complaint alleges violations of section 337 of the Tariff Act of 1930 in the importation and sale of certain automotive measuring devices, products containing same, and bezels for such devices, by reason of infringement of U.S. Registered Trademark Nos. 1,732,643 and 1,497,472 and U.S. Supplemental Register No. 1,903,908, and infringement of the complainant’s trade dress.

On November 3, 2003, the Commission investigative attorney (“IA”) moved to hold Tenzo R in default. The IA represented that Tenzo R had failed to respond to discovery requests that were the subject of ALJ Order No. 8.

On November 12, 2003, complainant Auto Meter also moved to hold respondent Tenzo R in default. Auto Meter represented that Tenzo R had failed to respond to another ALJ order (Order No. 10) compelling discovery from that firm.

Tenzo R did not respond to either motion to hold it in default.

The ALJ did not issue an order directing that Tenzo R show cause why it should not be found in default, as provided for in 19 C.F.R. § 210.16(b).

On December 17, 2003, the presiding ALJ issued the subject ID (Order No. 13) finding Tenzo R in default. The ALJ ruled that Tenzo R had waived its right to appear, to be served with documents, and to be contest the allegations at issue in the investigation. No petitions for review of the IDs were filed.

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 210.42 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.42). The Commission waived, pursuant to 19 C.F.R. § 201.4(b), the requirement of 19 C.F.R. § 210.16(b) that the ALJ issue a show cause order to Tenzo R before finding it in default.

By order of the Commission.

Marilyn R. Abbott
Secretary to the Commission

Issued: January 8, 2004

