



7020-02

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1178]

Certain Collapsible and Portable Furniture; Institution of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 16, 2019, under section 337 of the Tariff Act of 1930, as amended, on behalf of GCI Outdoor, Inc. of Higganum, Connecticut. An amended complaint was filed on August 29, 2019. The amended complaint 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 collapsible and portable furniture by reason of infringement of certain claims of U.S. Patent No. 9,282,824 (“the ’824 patent”) and U.S. Patent No. 9,060,611 (“the ’611 patent”). The amended complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The amended complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The amended complaint, except for any confidential information contained therein, is 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., Room 112, Washington, DC 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (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>.

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205-1802.

SUPPLEMENTARY INFORMATION:

The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2019).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on September 27, 2019, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine 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 products identified in paragraph (2) by reason of infringement of one or more of claims 1-3, 6, 8-12, 15, 16, and 18-20 of the '824 patent and claims 1-3, 8, 10, 11, 13-15, and 19 of the '611 patent; and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “collapsible and portable rocking chairs”;

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

GCI Outdoor, Inc.
66 Killingworth Road
Higganum, CT 06441

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Denovo Brands, LLC
905 SE 21st Street
Bentonville, AR 72712

Zhenli (Zhangzhou) Industrial Co., Ltd.
Jiulong Industrial Park
Hua'an Economic Development Zone
Zhangzhou, Fujian, China 363801

Fujian Zenithen Consumer Products Co., Ltd.
No. 1 Gaonan Road, Cangshan District, Fuzhou,
Fujian, China 350026

Zenithen Hong Kong Ltd.
Unit 1606, Citicorp Center

18 Whitfield Road
Causeway Bay, Hong Kong

Zenithen USA LLC
299 W. Foothill Blvd., Suite 240
Upland, CA 91786

Westfield Outdoor, Inc.
d/b/a Westfield Outdoors
8675 Purdue Road
Indianapolis, IN 46268

MacSports Inc.
82083 Puddingstone Drive
La Verne, CA 91750

Meike (Qingdao) Leisure Products Co., Ltd
46-67 Tong Yu Road, Shi Bei District
Qing Dao, China 266000

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge; and

(4) The office of Unfair Import Investigations will not be named as a party to this investigation.

Responses to the amended complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the amended complaint and the notice of investigation. Extensions of time for submitting responses to the amended complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the amended complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the amended complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: September 30, 2019.

Lisa Barton,

Secretary to the Commission.

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