



7020-02

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-1155]

Certain Luxury Vinyl Tile and Components Thereof; 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 March 25, 2019, under section 337 of the Tariff Act of 1930, as amended, on behalf of Mohawk Industries, Inc., of Calhoun, Georgia; Flooring Industries, Ltd. Sarl of Luxembourg; and IVC US Inc. of Dalton, Georgia. Supplements to the Complaint were filed on April 10, 15 and 29, 2019. 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 luxury vinyl tile and components thereof by reason of infringement of certain claims of U.S. Patent No. 9,200,460 (“the ’460 patent”); U.S. Patent No. 10,208,490 (“the ’490 patent”); and U.S. Patent No. 10,233,655 (“the ’655 patent”). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by the applicable Federal Statute.

The complainants request that the Commission institute an investigation and, after the investigation, issue a general exclusion order and cease and desist orders.

Addresses: The 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: Pathenia M. Proctor, Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

SUPPLEMENTARY INFORMATION:

AUTHORITY: 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 (2018).

Scope of Investigation: Having considered the complaint, as supplemented, the U.S.

International Trade Commission, on May 9, 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 7, 8, 13, 15-17, 20-23, and 30 of the '460 patent; claims 1-21 of the '490 patent; and claims 1-27 of the '655 patent, and whether an industry in the United States exists or is in the process of being established 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 “interlocking luxury vinyl tile floor panels and components thereof”;

(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 are:

Mohawk Industries, Inc.

160 South Industrial Blvd.

Calhoun, GA 30701

Flooring Industries Ltd. Sarl

10B rue des Merovingiens

Bertrange, 8070, Luxembourg

IVC US Inc.

101 IVC Drive

Dalton, GA 30721

(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:

ABK Trading Corp.

925 S. Mason Road, Suite 168

Katy, TX 77450

Telephone: (713) 973-7800

Anhui Hanhua Building Materials Co., Ltd.

No. 16 West Jinqiao Road

Langxi Economic Development Zone

Xuancheng, Anhui 242000

China

Aspecta North America, LLC

15 Oakwood Avenue

Norwalk, CT 06850

Telephone: (855) 400-7732

Aurora Flooring LLC

1920 Shiloh Road NW, Bldg. 5

Kennesaw, GA 30144

Telephone: (678) 460-0064

Benchwick Construction Products Ltd.

No. 199 Gaojia Road

Wujin District

Changzhou, Jiangsu 213000

China

Changzhou Jinuo Decorative Material Co., Ltd

No. 4 Cuili Road

Henglin, Changzhou, Jiangsu 213103

China

Changzhou Marco Merit International Solutions Co.

Room 1405, Haoyuan Building

No. 266 Tongjiang Middle Road

Xinbei, Changzhou, Jiangsu 213022

China

Changzhou Runchang Wood Co., Ltd.

5 Bangshang Road

Cuiqiao North Industrial Zone

Henglin, Changzhou, Jiangsu 213103

China

Christina & Son Inc.

4359 Temple City Blvd

Temple City, CA 91780

Telephone: (626) 448-4088

Chungstine Inc. d/b/a Expert Hardwood Flooring

451 Kettering Drive

Ontario, CA 91761

Davati Group LLC

6000 S. Congress Ave, Suite 101

Austin, TX 78745

Telephone: (512) 371-6096

DeSoto Sales, Inc.

20945 Osborne St.

Canoga Park, CA 91304

Telephone: (800) 826-9779

Global Wood Inc.

1180 Centre Drive, Suite A

Walnut, CA 91789

Telephone: (909) 598-8538

Go-Higher Trading (Jiangsu) Co., Ltd.

No. 5-1001 Changfa Commercial Plaza,

Xinbei, Changzhou, Jiangsu 213000

China

Golden Tree Import & Export Inc.

4359 Temple City Blvd
Temple City, CA 91780
Telephone: (626) 448-4489

Halstead New England Corp.
15 Oakwood Avenue
Norwalk, CT 06850
Telephone: (202) 299-3100

Hangzhou Kingdom Import & Export Trading Co. Ltd.
10F, Suite D, Building 8,
New Territory Westport
No. 206 Zhenhua Road, Hangzhou 310030
China

IN.id Corp.
23545 Palomino Drive #135
Diamond Bar, CA 91765

JC Int'l Trading, Inc.
1140 Centre Dr., Unit W
City of Industry, CA 91789
Telephone: (909) 594-3333

Jiangsu Divine Building Technology Development Co. Ltd.

No. 27 CuiRong Road

Shuangrong, Henglin

Wujin, Changzhou Jiangsu 213103

China

Jiangsu Lejia Plastic Co. Ltd.

Shuang Rong, Henglin

Changzhou, Jiangsu 213103

China

JiangSu Licheer Wood Co., Ltd.

10 Ying Bing Road

Cuibe, Henglin

Wujin, Changzhou, Jiangsu 213103

China

JiangSu TongSheng Decorative Materials Co., Ltd.

No. 2 Chuangsheng Road

Luoyang Industrial Zone

Wujin, Changzhou, Jiangsu 213000

China

Jkgy Inc. d/b/a Nextar Trading

220 Mason Way

City of Industry, CA 91745-2329

Telephone: (626) 581-4790

KJ Carpet Wholesale, Inc.

1614 South Reservoir Street

Pomona, CA 91766

Telephone: (909) 455-0190

Maxwell Flooring Distribution LLC

1075 West Sam Houston Pkwy North, Suite 216

Houston, TX 77043

Telephone: (713) 973-2288

Metroflor Corp.

15 Oakwood Avenue

Norwalk, CT 06850

Telephone: (866) 882-4408

Mountain High Corp.

2537 Durfee Ave

El Monte, CA 91732

Telephone: (626) 288-7333

Mr. Hardwood Inc.

4260 Industrial Center Ln NW #100

Acworth, GA 30101

Telephone: (678) 935-6677

National Coverings, LLC

2952 NW 60th St.

Ft. Lauderdale, FL 33309

Telephone: (800) 498-1750

Nextar Wholesale

1201 S. Jellick Avenue

City of Industry, CA 91745

Northann Distribution Center Inc.

7495 Resee Road

Sacramento, CA 95828

Telephone: (916) 682-7476

Pentamax Inc.

2410 South Sierra Drive

Compton, CA 90220

RBT Industries LLC d/b/a Hardwood Bargains

1340 Airport Commerce Drive, Suite 425

Austin, TX 78741

Telephone: (844) 746-0744

RC Vinyl Inc.

1140 Centre Dr., Unit W

City of Industry, CA 91789

Telephone: (909) 594-3333

Royal Family Inc.

4359 Temple City Blvd

Temple City, CA 91780

Telephone: (626) 448-4088

Sam Houston Hardwood Inc.

1075 W. Sam Houston Pkwy North, Suite 204

Houston, TX 77043

Zhejiang Changxing Senda Bamboo and Wood Products Co. Ltd.

Bai Xian Industrial Park

Changxing, Huzhou 313100 Zhejiang

China

Zhangjiagang Elegant Home-Tech Co. Ltd

Hexing Civil Industrial Zone

Zhangjiagang, Jiangsu 215626

China

Zhangjiagang Elegant Plastics Co. Ltd.

Hexing Civil Industrial Zone,

Zhangjiagang, Jiangsu 215616

China

Zhangjiagang Yihua Plastics Co., Ltd

88 Fuxing Road

Zhangjiagang, Jiangsu 215600

China

Zhangjiagang Yihua Rundong New Material Co. Ltd

Yangshe Town Industry Development Area

Zhangjiagang, Jiangsu 215600

China

Zhejiang Kimay Building Material Technology Co., Ltd.

No. 380 Haifeng Road, Building 3

Haichang, Haining

Jiaxing, Zhejiang 314300

China

Zhejiang Kingdom Flooring Plastic Co., Ltd.

38 Desheng Road, Heshan,

Tongxiang, Zhejiang 314512

China

Zhejiang Walrus New Material Co., Ltd.

No. 380 Haifeng Road, Building 3

Haichang, Haining

Jiaxing, Zhejiang 314300

China

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, DC 20436; and

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

Responses to the 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 complaint and the notice of investigation. Extensions of time for submitting responses to the 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 complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the 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 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: May 10, 2019.

Katherine Hiner,

Secretary to the Commission.

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