

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

In the Matter of

CERTAIN FOLDABLE STOOLS

Inv. No. 337-TA-693

NOTICE OF INVESTIGATION

AGENCY: U.S. International Trade Commission

ACTION: Institution of investigation pursuant to 19 U.S.C. § 1337

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on November 6, 2009, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of B & R Plastics, Inc. of Denver, Colorado. The 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 foldable stools by reason of infringement of U.S. Patent No. D460,566. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and a cease and desist order.

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, D.C. 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 <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>.

FOR FURTHER INFORMATION CONTACT: T. Spence Chubb, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2575.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2009).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on December 3, 2009, 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 foldable stools by reason of infringement of the claim of U.S. Patent No. D460,566, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) 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:

B & R Plastics, Inc.
4550 Kingston Street
Denver, CO 80239

(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:

Ningbo ZhongTian Co., Ltd.
23F/B Hai Hong Building No. 12,
Huai Shu Xiang,
Ningbo
China

Ningbo Ningfeng Import and Export Co. Ltd.
23/F Hai Hong Building No. 12
Huaishu Xiang
Ningbo, Zhejiang,
China

Kikkerland Design, Inc.,
423-427 West 127th Street
New York, NY 10027

abc Distributing Inc.
2800 Lakeside Drive
Bannockburn, IL 60015

Always Something Brilliant
6720 East 47th Avenue Drive,
Denver, CO 80216

Amazon.com, Inc.
1200 12th Ave. South, Ste. 1200
Seattle, WA 98144-2734

Bed Bath & Beyond Inc.
650 Liberty Avenue
Union, NJ 07083

Buy.com Inc.
85 Enterprise Suite 100
Aliso Viejo, CA 92656

Crate & Barrel, Inc.
1250 Techny Road
Northbrook, IL 60062

Home Depot Inc.
2455 Paces Ferry Road, N.W.,
Atlanta, GA 30339

The Afternoon
Westroads Mall
10000 California Street, Ste 3525
Omaha, NE 68114

The Container Store, Inc.
500 Freeport Parkway
Coppell, TX 75019

QVC, Inc.
1200 Wilson Drive
West Chester, PA 19380

(c) The Commission investigative attorney, party to this investigation, is T. Spence Chubb, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern, 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 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(d) 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.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: December 4, 2009

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Bannockburn, IL 60015

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Denver, CO 80216

Amazon.com, Inc.
1200 12th Ave. South, Ste. 1200
Seattle, WA 98144-2734

Bed Bath & Beyond Inc.
650 Liberty Avenue
Union, NJ 07083

Buy.com Inc.
85 Enterprise Suite 100
Aliso Viejo, CA 92656

Crate & Barrel, Inc.
1250 Techny Road
Northbrook, IL 60062

Home Depot Inc.
2455 Paces Ferry Road, N.W.,
Atlanta, GA 30339

The Afternoon
Westroads Mall
10000 California Street, Ste 3525
Omaha, NE 68114

The Container Store, Inc.
500 Freeport Parkway
Coppell, TX 75019

QVC, Inc.
1200 Wilson Drive
West Chester, PA 19380

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