

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

In the Matter of)
)
) Inv. No. 337-TA-422
CERTAIN TWO-HANDLE CENTERSET)
FAUCETS AND ESCUTCHEONS, AND)
COMPONENTS THEREOF)

GENERAL EXCLUSION ORDER

The Commission has determined that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the unlawful importation and sale of certain two-handle centerset faucets and escutcheons that infringe U.S. Letters Patent Des. 347 466.

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that a general exclusion from entry for consumption of articles is necessary to prevent circumvention of an exclusion order limited to products of named persons because there is a pattern of violation of section 337 and it is difficult to identify the source of infringing products. Accordingly, the Commission has determined to issue a general exclusion order prohibiting the unlicensed importation of infringing two-handle centerset faucets and escutcheons.

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(d) do not preclude the issuance of the general exclusion order and that the bond during the Presidential review period shall be in the amount of 264 percent of the entered value of the articles in question.

Accordingly, the Commission hereby ORDERS THAT:

1. Two-handle centerset faucets and escutcheons covered by the claim of U.S. Letters Patent Des. 347,466 are excluded from entry into the United States for consumption, entry for consumption from a foreign-trade zone, and withdrawal from a warehouse for consumption for the remaining term of that patent, except under license of the patent owner or as provided by law.

2. Notwithstanding paragraph 1 of this Order, nothing in this Order shall apply to Hometek International Group, Stuhlberg International Sales Company Inc. d.b.a. Sisco, Inc., or Lota International Co. Ltd. (including entities acting for them or on their behalf) pursuant to paragraph 8 of the Consent Orders issued by the Commission on October 6, 1999, and February 1, 2000.
3. Notwithstanding paragraph 1 of this Order, the aforesaid two-handle centerset faucets and escutcheons are entitled to entry into the United States for consumption, entry for consumption from a foreign-trade zone, and withdrawal from a warehouse for consumption under bond in the amount of 264 percent of the entered value of such articles, from the day after this Order is received by the President, pursuant to subsection O) of section 337 of the Tariff Act of 1930, as amended, until such time as the President notifies the Commission that he approves or disapproves this action, but no later than 60 days after the date of receipt of this Order by the President.
4. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to two-handle centerset faucets and escutcheons imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization and consent of the Government.
5. The Commission may modify this Order in accordance with the procedure described in section 210.76 of the Commission's rules of Practice and Procedure (19 C.F.R. § 210.76).
6. The Commission Secretary shall serve copies of this Order upon each party of record in this investigation, upon Hometek International Group, Stuhlberg International Sales Company Inc. d.b.a. Sisco, Inc., and Lota International Co. Ltd., and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and the U.S. Customs Service.
7. Notice of this Order shall be published in the *Federal Register*.

By order of the Commission.

Donna R. Koehnke
Secretary

Issued: **June 19, 2000**