

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 4) of the presiding administrative law judge (“ALJ”), granting a motion by Benepuri LLC of Menands, New York (“Benepuri”) to intervene in the above-referenced investigation and to terminate the investigation as to respondent Rayenbarny Inc. of New York, New York (“Rayenbarny”).

FOR FURTHER INFORMATION CONTACT:

Panyin A. Hughes, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3179. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: On November 18, 2020, the Commission instituted this investigation based on a complaint filed by Skull Shaver, LLC of Moorestown, New Jersey (“Skull Shaver”). 85 FR 73510–11 (Nov. 18, 2020). The complaint alleged violations of section 337 based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain electric shavers and components and accessories thereof by reason of infringement of certain claims of U.S. Patent Nos. 8,726,528 and D672,504. *Id.* The Commission’s notice of investigation named the following eleven entities as respondents: Rayenbarny; Bald Shaver Inc. of Toronto, Canada; Suzhou Kaidiya Garments Trading Co., Ltd. d.b.a. “Digimotor” of Suzhou, China; Shenzhen Aiweilai Trading Co., Ltd. d.b.a. “Teamyo” of Shenzhen, China; Wenzhou Wending Electric Appliance Co., Ltd. of Yueqing City, China; Shenzhen Nukun Technology Co., Ltd. d.b.a. “OriHea” of Shenzhen, China; Yiwu Xingye Network Technology Co. Ltd. d.b.a. “Roziapro” of Yiwu, China; Magicfly LLC of Hong Kong; Yiwu City Qiaoyu Trading Co., Ltd. of Yiwu, China; Shenzhen Wantong Information Technology Co., Ltd. d.b.a. “WTONG” of Shenzhen, China; and Shenzhen

Junmao International Technology Co., Ltd. d.b.a. “Homeas” of Shenzhen, China. The notice of investigation also named the Office of Unfair Import Investigations (“OUII”) as a party. *Id.*

On November 18, 2020, Benepuri filed a motion to intervene in this investigation, asserting that it has an interest in the investigation because one of its products has been accused and that no other named respondent has an interest in defending Benepuri’s product. Benepuri also moved for termination of Rayenbarny as a respondent, stating that the accused product attributed to Rayenbarny, the AsaVea electric shaver, is actually Benepuri’s product. Attached to Benepuri’s motion is a declaration from the President of Rayenbarny, stating that “Rayenbarny Inc. has not imported into the United States, sold for importation into the United States, or sold in the United States after importation an electric shaver” and that “[t]o the best of my knowledge, the AsaVea electric shaver that is identified in the Complaint in the above referenced Investigation is a product from Benepuri LLC.” Benepuri Motion, Exhibit B. On November 23, 2020, Skull Shaver and OUII filed responses in support of Benepuri’s intervention and Rayenbarny’s termination.

On November 30, 2020, the ALJ issued the subject ID granting the motion. Regarding Benepuri’s intervention, the ID finds that the motion complies with the requirements of Commission Rule 210.19. 19 CFR 210.19. Specifically, the ID finds that (1) “Benepuri’s motion to intervene was timely filed because it was made on the same day as the November 18, 2020 institution of this Investigation”; (2) “Benepuri has demonstrated a substantial interest in the Investigation,” particularly in connection with the accused AsaVea electric shaver; and (3) “Benepuri’s interests are not represented by existing parties.” ID at 5. Thus, the ID finds that “Benepuri’s intervention in this Investigation is appropriate, and Benepuri should be accorded status as a respondent.” *Id.* at 5–6 (citing *Network Interface Cards*, Inv. No. 337–TA–455, Comm’n Op. at 10 (July 17, 2001) (a party seeking to intervene should be accorded respondent status when it could itself be a respondent in the investigation, but has been omitted by the complainant for some reason)).

The ID also finds that good cause exists to terminate the investigation as to Rayenbarny under Commission Rule 210.21(a), which provides that “[a]ny party may move at any time prior to the issuance of an initial determination on

violation of section 337 of the Tariff Act of 1930 to terminate an investigation in whole or in part as to any or all respondents, on the basis of . . . good cause” 19 CFR 210.21(a). The ID notes that Rayenbarny’s declaration states that it “has not imported into the United States, sold for importation into the United States, or sold in the United States after importation an electric shaver.” In addition, consistent with Commission Rule 210.21(a)(1), Rayenbarny states that “there are no agreements, written or oral, express or implied, between any party or Benepuri concerning the subject matter of the Investigation.” The ID further notes that “Rayenbarny’s termination from this Investigation is in the public interest and will conserve public and private resources.” ID at 6.

No one petitioned for review of the subject ID. The Commission has determined not to review the subject ID. Benepuri is hereby named a respondent in this investigation and Rayenbarny is hereby terminated from this investigation.

The Commission vote for this determination took place on December 15, 2020.

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 Part 210 of the Commission’s Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: December 15, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–28038 Filed 12–17–20; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1166]

Certain Foodservice Equipment and Components Thereof; Commission Determination To Review an Initial Determination Granting Summary Determination of No Substantial Injury to a Domestic Industry, and on Review To Reverse the Initial Determination and Remand the Investigation to the Administrative Law Judge

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 52) granting summary determination of no substantial injury to a domestic industry in the above-captioned investigation. On review, the Commission has determined to reverse the ID's grant of summary determination and remand the investigation to the ALJ for further proceedings. The Commission has also determined to deny Complainants' motion for leave to file a reply brief.

FOR FURTHER INFORMATION CONTACT:

Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202-205-2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on July 3, 2019, based on a complaint filed on behalf of Illinois Tool Works, Inc. of Glenview, Illinois; Vesta Global Limited of Hong Kong; Vesta (Guangzhou) Catering Equipment Co., Ltd. of China; and Admiral Craft Equipment Corp. of Westbury, New York (collectively, "Complainants"). 84 FR 31911 (Jul. 3, 2019). The complaint, as supplemented, alleges violations of section 337(a)(1)(A) of the Tariff Act of 1930, as amended, 19 U.S.C. 1337(a)(1)(A), based upon the importation of articles into the United States, or in the sale of such articles by the owner, importer, or consignee of certain foodservice equipment and components thereof by reason of misappropriation of trade secrets and unfair competition through tortious interference with contractual relationships, the threat or effect of which is to destroy or substantially injure a domestic industry. *Id.* at 31911-12. The plain language description of the accused products or category of accused products, which defines the scope of the investigation, is "commercial kitchen equipment and components thereof for use in

restaurants, bars, cafes, cafeterias, or the like." *Id.* at 31912. The notice of investigation named Guangzhou Rebenet Catering Equipment Manufacturing Co., Ltd.; Zhou Hao; Aceplus International Limited (aka Ace Plus International Ltd.); Guangzhou Liangsheng Trading Co., Ltd.; and Zeng Zhaoliang (collectively, "Respondents"), all of China as respondents. *Id.* at 31912. The Office of Unfair Import Investigations ("OUII") is also named as a party. *Id.*

On May 21, 2020, OUII filed a motion for summary determination of no substantial injury to a domestic industry under section 337(a)(1)(A), 19 U.S.C. 1337(a)(1)(A). Complainants opposed the motion, and Respondents supported the motion. OUII also filed a reply brief in support of its motion.

On July 9, 2020, the ALJ issued the subject ID (Order No. 52) granting OUII's motion for summary determination of no substantial injury to a domestic industry under section 337(a)(1)(A). Presuming the existence of a domestic industry as alleged by Complainants, the ID found that "Complainants have not demonstrated injury" to "the specific activities and investments that give rise to [the alleged] domestic industry." *Id.* at 16, 18. The ID found that Complainants identified "generalized competitive harm 'to the industry as a whole,' such as lost sales and profits, rather than pointing specifically to injury or threatened injury to the alleged domestic activities." *Id.* at 16. The ID reasoned that "generalized lost profits and lost sales, etc., cannot suffice to show substantial harm because even a mere importer will suffer such harm if a competitor imports and sells the same products cheaper." *Id.* at 17.

On July 20, 2020, Complainants petitioned for review of the ID. Thereafter, Respondents and OUII opposed the petition. On August 4, 2020, Complainants filed a motion for leave to file a reply to Respondents' and OUII's responses to its petition. Respondents and OUII opposed Complainants' motion.

The Commission has determined to review the ID in its entirety and to deny Complainants' motion for leave to file a reply brief. On review, the Commission has determined to reverse the ID's grant of summary determination finding that Complainants' evidentiary showing is insufficient to establish substantial injury to Complainants' alleged domestic industry, and remand the investigation to the ALJ for further proceedings consistent with the Commission's order and concurrent opinion.

The Commission vote for this determination took place on December 14, 2020.

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 Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.
Issued: December 14, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020-27858 Filed 12-17-20; 8:45 am]

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DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms, and Explosives

[Docket No. 2020R-10]

Objective Factors for Classifying Weapons with "Stabilizing Braces"

AGENCY: Bureau of Alcohol, Tobacco, Firearms, and Explosives, Department of Justice.

ACTION: Notice; request for comment.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") is publishing the objective factors it considers when evaluating firearms with an attached stabilizing brace to determine whether they are considered firearms under the National Firearms Act ("NFA") and/or the Gun Control Act ("GCA"). ATF publishes this notice to inform and invite comment from the industry and public on the proposed guidance, Objective Factors for Classifying Weapons with "Stabilizing Braces," prior to issuing a final document. Upon issuance of final guidance, ATF will provide additional information to aid persons and companies in complying with Federal laws and regulations. This notice also outlines ATF's enforcement priorities regarding persons who, prior to publication of this notice, made or acquired, in good faith, firearms equipped with a stabilized brace. Finally, this notice previews ATF's and the Department of Justice's plan to subsequently implement a separate process for current possessors of stabilizer-equipped firearms to choose to register such firearms in compliance with the NFA, including an expedited application process and the retroactive exemption of such firearms from the collection of NFA taxes.

DATES: Written comments must be postmarked and electronic comments