

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

In the Matter of

CERTAIN INDUSTRIAL
AUTOMATION SYSTEMS AND
COMPONENTS THEREOF,
INCLUDING CONTROL SYSTEMS,
CONTROLLERS, VISUALIZATION
HARDWARE, MOTION AND MOTOR
CONTROL SYSTEMS,
NETWORKING EQUIPMENT,
SAFETY DEVICES, AND POWER
SUPPLIES

Investigation No. 337-TA-1074

CONSENT ORDER

The Commission instituted this investigation on October 16, 2017, based on a complaint filed by Rockwell Automation, Inc., located at 1201 South 2nd Street, Milwaukee, Wisconsin 53204 (“Rockwell” or “Complainant”). 82 Fed. Reg. 48113) (Oct. 16, 2017). The Complaint alleges, *inter alia*, violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337) (“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 industrial automation systems and components thereof including control systems, controllers, visualization hardware, motion and motor control systems, networking equipment, safety devices, and power supplies, by reason of infringement of U.S. Trademark Reg. Nos. 1,172,995; 696,401; 693,780; 1,172,994; 712,800; 712,836; 2,510,226; 2,671,196; 2,701,786; and 2,412,742 (collectively, “Asserted Trademarks”); and U.S. Copyright Reg. Nos. TX0008389890; TX0008389887; TX0008390098;

TX0008390094; TX0008390077; TX0008390088; TX0008390116; TX0008390084; TX0008390111; and TX0008390091 (collectively “Asserted Copyrights”). The complaint also alleges a violation of section 337 based on unfair methods of competition and unfair acts in the importation or sale of certain industrial automation systems and components thereof including control systems, controllers, visualization hardware, motion and motor control systems, networking equipment, safety devices, and power supplies, the threat or effect of which is to destroy or substantially injure an industry in the United States. by, among others, Respondent Radwell. The notice of investigation named numerous respondents, including Radwell International, Inc. (“Radwell”), a corporation organized and existing under the laws of Pennsylvania, having its principal place of business at 1 Millennium Drive, Willingboro, NJ 08046.

Radwell has executed a Consent Order Stipulation in which it agrees to entry of this Consent Order and to all waivers and other provisions as required by Commission Rule of Practice and Procedure 210.21(c) (19 C.F.R. § 210.21 (c)). Radwell has filed a Motion for Termination of the Investigation based on a Consent Order.

IT IS HEREBY ORDERED THAT:

1. Effective upon entry of this Consent Order, Radwell shall not sell for importation into the United States, import into the United States, or sell within the United States after importation, directly or indirectly, and shall not aid, abet, encourage, participate in, or induce the sale for importation, the importation, or the sale after importation of industrial automation systems and components thereof, including control systems, controllers, visualization hardware, motion and motor control systems , networking equipment, safety devices, and power supplies, that infringe U.S. Trademark No(s). 1,172,995; 696,401; 693,780; 1,172,994;

712,800; 712,836; 2,510,226; 2,671,196; 2,701,786; and/or 2,412,742 (“Asserted Trademarks”) or U.S. Copyright Reg. No(s). TX0008389890; TX0008389887; TX0008390098; TX0008390094; TX0008390077; TX0008390088; TX0008390116; TX0008390084; TX0008390111; and TX0008390091 (“Asserted Copyrights”) and/or are acquired or sold through unfair methods of competition and unfair acts in importation or sale, the threat or effect of which is to destroy or substantially injure an industry in the United States (collectively, “Accused Products”), except under consent, or a license from Rockwell, its successors or assigns.

2. Effective upon entry of this Consent Order, Radwell will not sell within the United States or otherwise transfer (except for exportation) any remaining inventory of imported Accused Products in the United States.

3. Effective upon entry of this Consent Order, Radwell shall cease and desist from importing into the United States and distributing the Accused Products.

4. Radwell shall be precluded from seeking judicial review or otherwise challenging or contesting the validity of this Consent Order.

5. Radwell shall cooperate with and shall not seek to impede by litigation or other means the Commission’s efforts to gather information under Subpart I of the Commission’s Rules of Practice and Procedure, Part 210, Title 19 of the Code of Federal Regulations.

6. Radwell and its officers, directors, employees, agents, and any entity or individual acting on its behalf and with its authority shall not seek to challenge the validity or enforceability of any Asserted Copyright, Asserted Trademark, or unfair trade practice claim in any administrative or judicial proceeding to enforce the Consent Order;

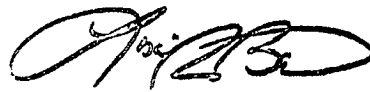
7. When the Asserted Copyrights, Asserted Trademarks , or unfair trade practice expires, the Consent Order shall become null and void as to such;

8. If any Asserted Copyright, Asserted Trademark, or unfair trade practice claim is held invalid or unenforceable by a court or agency of competent jurisdiction or if any article has been found or adjudicated not to infringe the asserted right in a final decision, no longer subject to appeal, this Consent Order shall become null and void as to such invalid or unenforceable claim or adjudicated article;

9. Radwell admits that the Commission has *in rem* jurisdiction over the Accused Products and *in personam* jurisdiction over Radwell, and subject matter jurisdiction over this Investigation;

10. The Investigation is hereby terminated with respect to Radwell; provided, however, that enforcement, modification, or revocation of the Consent Order shall be carried out pursuant to Subpart I of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission:



Lisa R. Barton
Secretary to the Commission

Issued: August 15, 2018

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NETWORKING EQUIPMENT, SAFETY DEVICES, AND
POWER SUPPLIES**

Inv. No. 337-TA-1074

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER, COMMISSION** has been served by hand upon the Commission Investigative Attorney, **Brian Koo, Esq.**, and the following parties as indicated, on August 15, 2018.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

On Behalf of Complainants Rockwell Automation, Inc.:

Adam D. Swain
ALSTON & BIRD LLP
950 F Street NW
Washington, DC 20004

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

On Behalf of Respondents Radwell International, Inc.:

Deanna Tanner Okun
ADDUCI, MASTRIANI & SCHAUMBERG, LLP
1133 Connecticut Avenue NW, 12th Floor
Washington DC 20036

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____