

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, D.C.**

**In the Matter of**

**CERTAIN CARBURETORS AND  
PRODUCTS CONTAINING SUCH  
CARBURETORS**

**Inv. No. 337-TA-1123**

**CONSENT ORDER**

On June 14, 2018, Complainant Walbro, LLC (“Walbro”) filed a Complaint, supplemented on June 22, 2018, against MAT Industries, LLC (“MAT”)<sup>1</sup> alleging a violation of Section 337 of the Tariff Act of 1930, as amended, based on the alleged importation into the United States, sale for importation, or sale within the United States after importation of certain carburetors and carburetor-containing products that infringe one or more of claims 54–57, 60, 62–65 of U.S. Patent No. 7,070,173 (the “Asserted Patent”). The Commission instituted this Investigation on July 20, 2018.

MAT has executed a Consent Order Stipulation in which it agreed to the entry of this Consent Order and to all waivers and other provisions required by Commission Rules of Practice and Procedure 210.21(c) (19 C.F.R. § 210.21(c)).

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<sup>1</sup> The Complaint named MAT Industries, LLC, which is a wholly owned subsidiary of MAT Holdings, Inc. The accused Southland Blowers and Powermate Augers, however, were sold in the United States by MAT Engine Technologies, LLC, which is another wholly owned subsidiary of MAT Holdings, Inc.

IT IS HEREBY ORDERED THAT:

1. The Complainant in this Investigation is Walbro, LLC, a Limited Liability Company organized under the law of the state of Delaware with a place of business at 2015 W. River Road #202, Tucson, Arizona 85704.

2. Respondent MAT Industries, LLC (“Respondent” or “MAT”) is an Illinois Limited Liability Company having a place of business at 6700 Wildlife Way, Long Grove, Illinois 60047.

3. The Complaint alleges that MAT imports, sells for importation and/or sells after importation in the United States carburetors and products containing such carburetors that infringe claims 54–57, 60, 62–65 of U.S. Patent No. 7,070,173 (“Subject Articles”).

4. MAT has executed a Consent Order Stipulation and stipulates to the entry of this Consent Order.

5. MAT shall not sell for importation, import, or sell after importation the Subject Articles, directly or indirectly, and shall not aid, abet, encourage, participate in, or induce the sale for importation, the importation, or the sale after importation except under consent or license from the Complainant, or to the extent permitted by a settlement agreement between Complainant Walbro and Respondent MAT.

6. MAT shall be precluded from seeking judicial review or otherwise challenging or contesting the validity of the Consent Order.

7. MAT 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, 19 C.F.R. Part 210, and incorporates by reference the Commission’s Rules of Practice and Procedure.

8. MAT, 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 claims of the Asserted Patents in any administrative or judicial proceeding to enforce the Consent Order.

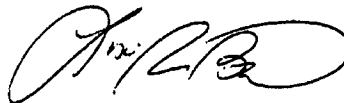
9. Upon expiration of any of the terms of the Asserted Patents, this Consent Order shall become null and void as to such patent.

10. If any asserted claim of the Asserted Patent is held invalid or unenforceable by a court or agency of competent jurisdiction or 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.

11. This Investigation is hereby terminated with respect to MAT provided, however, that the 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 C.F.R. Part 210.

12. The Commission has *in rem* jurisdiction over the Subject Articles, *in personam* jurisdiction over MAT solely for purposes of the Consent Order, and subject matter jurisdiction over this Investigation.

By order of the Commission.



Lisa R. Barton  
Secretary to the Commission

Issued: February 8, 2019

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**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, **Vu Bui, Esq.**, and the following parties as indicated, on February 8, 2019.



Lisa R. Barton, Secretary  
U.S. International Trade Commission  
500 E Street, SW, Room 112  
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**On Behalf of Complainants Walbro, LLC:**

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**On Behalf of Respondents Husqvarna Professional Products,  
Inc. and Lowe's Companies, Inc.:**

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**On Behalf of Respondents Techtronic Industries Co. Ltd.  
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Depot Inc.:**

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**On Behalf of Respondent MTD Products, Inc.:**

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**On Behalf of Respondents Ruixing Carburetor  
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**On Behalf of Respondent Tractor Supply Company:**

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**On Behalf of Respondent MAT Industries LLC, FNA Group,  
Inc., and Frictionless World, LLC:**

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