

UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

Before the Honorable Clark S. Cheney
Administrative Law Judge

In the Matter of

**CERTAIN FURNITURE PRODUCTS
FINISHED WITH DECORATIVE
WOOD GRAIN PAPER AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1229

**WALKER EDISON FURNITURE COMPANY, LLC'S RESPONSE TO THE
COMPLAINT AND NOTICE OF INVESTIGATION**

Pursuant to 19 C.F.R. § 210.13, Respondent Walker Edison Furniture Company, LLC (“Walker Edison”), by its undersigned attorneys, hereby provides a response to the Complaint titled CERTAIN FURNITURE PRODUCTS FINISHED WITH DECORATIVE WOOD GRAIN PAPER AND COMPONENTS THEREOF (“Complaint”) filed under Section 337 of the Tariff Act of 1930, as amended 19 U.S.C. § 1337 (“Section 337”) by Toppan Interamerica, Inc. (“Toppan”) on October 2, 2020, and to the Notice of Institution of Investigation (the “Notice”) issued by the United States International Trade Commission (“the Commission”) on November 3, 2020 and published in the Federal Register on November 9, 2020 (85 Fed. Reg. 71,355).

RESPONSE TO THE COMPLAINT

As an initial matter, Walker Edison denies that it has engaged in unfair competition or has violated Section 337 of the Tariff Act of 1930, as amended, by importing, selling for importation, or selling within the United States after importation any products that infringe any valid and enforceable U.S. intellectual property rights purportedly at issue in this Investigation. Walker Edison denies that Toppan will be able to satisfy its burden to demonstrate infringement

of any copyrights asserted in this Investigation under U.S. law. Walker Edison further denies that a domestic industry as required by Section 337 exists or is in the process of being established. Walker Edison denies that Toppan is entitled to any of the relief it seeks. Walker Edison reserves the right to amend or supplement its Response based on any additional facts or developments that become available or that arise after the filing of this Response.

In this light, any factual allegations admitted below are admitted only as to the specific admitted facts, and not as to any purported conclusions, characterizations, implications, or speculations that might follow from the admitted facts. Except as expressly admitted below, Walker Edison denies each and every allegation set forth in the Complaint. Walker Edison responds to the numbered paragraphs of the Complaint as follows:

I. INTRODUCTION¹

1. Walker Edison admits that Toppan has requested the International Trade Commission to commence an investigation pursuant to Section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337. Walker Edison denies the remaining allegations of Paragraph 1, and specifically denies having engaged in the unlawful and unauthorized importation into the United States, sale for importation into the United States, or sale within the United States after importation by the owner, importer, or consignee (or agents thereof), of certain furniture products and components thereof finished with decorative wood grain paper.

2. Walker Edison addresses the definition of “Accused Products,” as defined in Section V of the Complaint, in Paragraphs 24–34 below. Walker Edison admits that certain

¹ In responding to the Complaint, Walker Edison re-uses the headings from the Complaint for ease of reference. Nothing in this Response should be construed as an admission to or agreement with anything stated in any of the headings.

of its products, including some of the Accused Products, are finished with decorative paper with a wood grain design. Walker Edison denies the remaining allegations in Paragraph 2.

In particular, the Complaint alleges that:

The known Accused Products include over 380 models of furniture items, including desks, bookcases, media stands and consoles, chairs, coat racks, buffets, beds, headboards, footboards, cabinets, coffee tables, dining tables, side tables, and end tables finished with decorative paper with a wood grain design

However, the Complaint does not identify the particular furniture items accused of infringement. Thus, Walker Edison lacks sufficient knowledge or information to form a belief regarding the remaining characterizations and allegations contained in Paragraph 2 and, therefore, denies those allegations. Walker Edison lacks sufficient knowledge or information to determine whether Toppan is the “exclusive licensee of the Fitzroy Pine Copyright in the United States” and, therefore, denies that allegation. To the extent the remaining allegations of Paragraph 2 constitute opinion, legal argument, or conclusions of law, they require no response.

3. To the extent that Paragraph 3 contains conclusions of law, no response is necessary. To the extent that a response is necessary, Walker Edison denies the allegations and characterizations in this Paragraph.

4. To the extent that Paragraph 4 contains conclusions of law, no response is necessary. To the extent that a response is necessary, Walker Edison lacks sufficient knowledge or information to admit or deny the allegations contained in Paragraph 4 and, therefore, denies those allegations.

5. Walker Edison admits that Toppan has requested that the Commission issue an exclusion order, pursuant to Section 337(d), permanently excluding from entry into the United States furniture products finished with certain decorative paper. Walker Edison

denies the remaining allegations in Paragraph 5. Specifically, Walker Edison denies that it committed any unlawful acts as alleged in this Paragraph and denies that it has otherwise violated Section 337 in any manner. Walker Edison denies that the copyright asserted by Toppan is valid, enforceable, or infringed. Walker Edison further denies that any of the Accused Products directly or indirectly infringe the Fitzroy Pine Copyright. Walker Edison further denies that it has caused any injury, domestic or otherwise, to Toppan. Walker Edison further denies that domestic industry related to the Fitzroy Pine Copyright exists or is in the process of being established. To the extent the remaining allegations of Paragraph 5 constitute opinion, legal argument, or conclusions of law, they require no response.

6. Walker Edison admits that Toppan has requested that the Commission enter a permanent cease-and-desist order, pursuant to Section 337(f), prohibiting the sale, offer for sale, advertising, marketing, packaging, distribution, maintaining inventory, transferring (except for exportation), or solicitation of any sale of any furniture product finished with certain decorative paper. Walker Edison denies the remaining allegations in Paragraph 6. Specifically, Walker Edison denies that it committed any unlawful acts as alleged in this Paragraph and denies that it has otherwise violated Section 337 in any manner. Walker Edison denies that the copyright asserted by Toppan is valid, enforceable, or infringed. Walker Edison further denies that any of the Accused Products directly or indirectly infringe the Fitzroy Pine Copyright. Walker Edison further denies that it has caused any injury, domestic or otherwise, to Toppan. Walker Edison further denies that domestic industry related to the Fitzroy Pine Copyright exists or is in the process of being established. To the extent the remaining allegations of Paragraph 6 constitute opinion, legal argument, or conclusions of law, they require no response.

7. Walker Edison admits that Toppan has requested that the Commission impose a bond during the 60-day Presidential review period, pursuant to Section 337(j). Walker Edison denies the remaining allegations in Paragraph 7. Specifically, Walker Edison denies that it committed any unlawful acts as alleged in this Paragraph and denies that it has otherwise violated Section 337 in any manner. Walker Edison denies that the copyright asserted by Toppan is valid, enforceable, or infringed. Walker Edison further denies that any of the Accused Products directly or indirectly infringe the Fitzroy Pine Copyright. Walker Edison further denies that it has caused any injury, domestic or otherwise, to Toppan. Walker Edison further denies that domestic industry related to the Fitzroy Pine Copyright exists or is in the process of being established. To the extent the remaining allegations of Paragraph 7 constitute opinion, legal argument, or conclusions of law, they require no response.

II. COMPLAINANT

8. Walker Edison lacks sufficient knowledge or information regarding the allegations in Paragraph 8 and, therefore, denies those allegations.

9. Walker Edison lacks sufficient knowledge or information regarding the allegations in Paragraph 9 and, therefore, denies those allegations.

10. Walker Edison lacks sufficient knowledge or information regarding the allegations in Paragraph 10 and, therefore, denies those allegations.

11. Walker Edison lacks sufficient knowledge or information regarding the allegations in Paragraph 11 and, therefore, denies those allegations.

12. Walker Edison lacks sufficient knowledge or information regarding the allegations in Paragraph 12 and, therefore, denies those allegations.

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