

## ITC Initiates Investigation of Widespread Infringement of Toyo Tire Design Patents

Written by Australian Business

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CYPRESS, Calif., Sept. 16, 2013 /PRNewswire/ -- Toyo Tire Holdings of Americas Inc. and its affiliates ("Toyo") announced today that on September 16, 2013, the United States International Trade Commission ("ITC") voted to institute an investigation against 22 manufacturers, importers and sellers of passenger and light truck tires (collectively, the "Respondents").

The ITC will investigate whether these Respondents infringed one or more of Toyo's eight tire design patents.

The ITC has ordered that an Administrative Law Judge ("ALJ") make an initial determination as to whether there is a violation of section 337 of the Tariff Act of 1930 in the importation into the United States and sale of certain passenger and light truck tires. Within 45 days after institution of the investigation, the ALJ will set a target date for completing the investigation. The ITC will make a final determination in the investigation at the earliest practicable time. Commission investigations are usually completed in 13-15 months.

Toyo, which markets and sells tires under the "Toyo Tires®" and "Nitto®" brands, has over the years developed and introduced passenger and light truck tires with designs that are both innovative and unique, many of which are protected by design patents issued by the U.S. Patent and Trademark Office.

As part of Toyo's efforts to protect the company, its customers, and associates from unfair competition, Toyo chose to protect its intellectual property rights by filing a complaint with the ITC. The investigation instituted by the Commission, based on that complaint, will determine whether exclusion orders are warranted. An exclusion order will prohibit the entry of infringing tires into the United States. Toyo also seeks cease-and-desist orders against the domestic respondents, which will prohibit multiple activities, including the domestic sale of infringing tires that have already been imported.

ITC remedial orders in section 337 cases go into effect when issued. They become final 60

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days after issuance unless disapproved for policy reasons by the U.S. Trade Representative within that 60-day period.

### **About Toyo Tire Holdings of Americas Inc.**

Toyo Tire Holdings of Americas Inc. ("TTHA") is the wholly-owned North American subsidiary of TOYO TIRE & RUBBER CO., LTD. of Osaka, Japan. Headquartered in Cypress, California, TTHA and its group companies manufacture, import, sell and distribute Toyo Tires and Nitto brand tires in the U.S.,

Canada

and

Mexico

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Toyo maintains its commitment to innovation, quality, performance, and excellent customer service. Significant and continuous investments are made in its U.S.-based manufacturing facility and support operations in order to produce high-quality tires. The company's tire portfolio covers a broad range of applications, including high-performance racing-inspired tires, rugged off-road tires for light trucks and SUVs, luxury-touring tires, and commercial truck tires.

SOURCE Toyo Tire Holdings of Americas Inc.