

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2008-1604

WITEX, U.S.A., INC.
and MANNINGTON MILLS, INC.,

Plaintiffs-Appellants,

v.

UNITED STATES,

Defendant-Appellee.

Curtis W. Knauss, Grunfeld, Desiderio, Lebowitz, Silverman & Klestadt LLP, of New York, New York, argued for plaintiffs-appellants. With him on the brief were Robert F. Seely and Robert B. Silverman.

Amy M. Rubin, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of New York, New York, argued for defendant-appellee. With her on the brief were Barbara S. Williams, Attorney in Charge, and Jeanne E. Davidson, Director, of Washington, DC. Of counsel on the brief was Yelena Slepak, Attorney, Office of Assistant Chief Counsel, International Trade Litigation, United States Customs and Border Protection, of New York, New York.

Appealed from: United States Court of International Trade

Judge Donald C. Pogue

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WITEX, U.S.A., INC.
and MANNINGTON MILLS, INC.,

Plaintiffs-Appellants,

v.

UNITED STATES,

Defendant-Appellee.

Appeal from the United States Court of International Trade in
consolidated case nos. 98-00360 and 00-00131,
Judge Donald C. Pogue.

DECIDED: September 25, 2009

Before SCHALL, PLAGER, and PROST, Circuit Judges.

PLAGER, Circuit Judge.

Witex, U.S.A., Inc. and Mannington Mills, Inc. appeal from a judgment of the United States Court of International Trade¹ that sustained the classification of its imported laminated panels by the United States Customs Service under subheading 4411.19.40 of the Harmonized Tariff Schedule of the United States (HTSUS).

¹ Witex, U.S.A., Inc. v. United States, 577 F. Supp. 2d 1353 (Ct. Int'l Trade 2008).

In a companion case decided today, Faus Group, Inc. v. United States, No. 2008-1605 (Fed. Cir. Sept. 25, 2009), we hold that similar products should be classified under HTSUS subheading 4418.90.40 (2001), which reads: “Builders’ joinery and carpentry of wood, including cellular wood panels and assembled parquet panels; shingles and shakes: Other: Other.” That holding applies as well to the merchandise at issue in this case. Accordingly, we reverse the judgment of the Court of International Trade.