

UNITED STATES COURT OF INTERNATIONAL TRADE

Before: Nicholas Tsoucalas, Senior Judge

| | | |
|---------------------------------|---|---------------------|
| MID CONTINENT NAIL CORPORATION, | : | |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | |
| UNITED STATES, | : | |
| | : | Court No.: 10-00247 |
| Defendant, | : | |
| | : | |
| and | : | |
| | : | |
| TARGET CORPORATION, | : | |
| | : | |
| Defendant-Intervenor. | : | |
| | : | |

ORDER

TSOUCALAS, Senior Judge: On July 18, 2013, the United States Court of Appeals for the Federal Circuit (“CAFC”) vacated and remanded this court’s judgment in Mid Continent Nail Corp. v. United States, 36 CIT __, Slip Op. 12-97 (2012) (“Mid Continent II”) (not reported in the Federal Supplement), with instructions to remand the matter back to the United States Department of Commerce (“Commerce”) for further proceedings. Mid Continent Nail Corp. v. United States, Nos. 2012-1682, 2012-1683, 2013 WL 3746081, at *1 (Fed. Cir. July 18, 2013) (“Mid Continent III”).

Mid Continent II upheld Commerce’s redetermination issued pursuant to the court’s earlier decision in Mid Continent Nail Corp. v. United States, 36 CIT __, 825 F. Supp. 2d 1290 (2012) (“Mid Continent I”). In Mid Continent I, the court held that

Commerce impermissibly limited the scope of an antidumping duty order by excluding in-scope steel nails packaged and imported as a component of certain household tool kits because the scope lacked clear language regarding mixed media applications. Id. at 1292-96. The CAFC “disagree[d] . . . that Commerce is foreclosed by the broad language of the antidumping order from interpreting the order to exclude nails included within mixed media tool kits,” but agreed “that Commerce has not yet reasonably interpreted the order in this case so as to justify such an exclusion.” Mid Continent III, 2013 WL 3746081, at *5. The CAFC also provided an extensive roadmap for Commerce to follow in analyzing this and future mixed media cases. Id.

Accordingly, it is hereby

ORDERED that this case is remanded to Commerce for redetermination in accordance with the CAFC’s opinion in Mid Continent III; and it is further

ORDERED that the remand results are due within ninety (90) days of the date this opinion is entered. Any responses or comments are due within thirty (30) days thereafter. Any rebuttal comments are due within fifteen (15) days after the date responses or comments are due.

/s/NICHOLAS TSOUCALAS

Nicholas Tsoucalas
Senior Judge

Dated: July 23, 2012
New York, New York