

Lifestyle Enterprise, Inc, et al., v. United States
Consol. Ct. No. 09-00378
FINAL RESULTS OF REDETERMINATION
PURSUANT TO FOURTH REMAND

A. SUMMARY

The Department of Commerce (“Department”) prepared these final results of redetermination (“Final Results”) pursuant to the fourth remand order of the U.S. Court of International Trade (“CIT” or the “Court”), issued on September 17, 2014, in *Lifestyle Enterprise, Inc., et al., v. United States*, Consol. Ct. No. 09-00378 (“*Lifestyle V*”), consistent with the opinion of the U.S. Court of Appeals for the Federal Circuit (“CAFC”).¹ The remand concerns the *Final Results of Antidumping Duty Administrative Review and New Shipper Reviews: Wooden Bedroom Furniture From the People’s Republic of China*, 74 FR 41374 (August 17, 2009) (“*Final Results*”), as amended by *Amended Final Results of Antidumping Duty Administrative Review and New Shipper Reviews: Wooden Bedroom Furniture From the People’s Republic of China*, 74 FR 55810 (October 29, 2009) (collectively, “*AR 3 Final Results*”), covering the 2007 administrative review of the antidumping duty order on wooden bedroom furniture from the People’s Republic of China.

On October 2, 2014, the Department released the Draft Results of Redetermination Pursuant to Fourth Remand (“Draft Results”) to interested parties for comment. In the Draft Results, pursuant to the CIT’s remand order, and consistent with the CAFC’s opinion, reversing the CIT’s decision to require the use of volume-based data in valuing lumber inputs, the Department recalculated the surrogate values for wood inputs using weight-based data. As a

¹ See *Lifestyle Enterprise, Inc. v. United States*, 751 F.3d 1371 (CAFC 2014) (“*Lifestyle IV*”).

result, the margin for Guandong Yihua Timber Industry Co., Ltd. (“Yihua Timber”) for the Draft Results was 21.53 percent.

The American Furniture Manufacturers Committee for Legal Trade and Vaughan-Bassett Furniture Company, Inc. (collectively “Petitioners”) and Yihua Timber submitted comments on the Draft Results on October 8, 2014.²

B. BACKGROUND

In response to *Lifestyle Enterprise, Inc. v. United States*, 844 F. Supp. 2d 1286-87 (CIT 2012), (“*Lifestyle IP*”), in the final remand results of redetermination (“*Lifestyle II Redetermination*”), filed June 11, 2012, the Department re-calculated the valuation of Yihua Timber’s wood inputs using the Philippines National Statistics Office’s volume-based data.

Based on record information, the CIT sustained the Department’s *Lifestyle II Redetermination* with respect to the revaluation of Yihua Timber’s wood inputs. Yihua Timber appealed the CIT’s decision to the CAFC.³ On June 2, 2014, the CAFC issued its opinion reversing the CIT’s decision to require the Department to use volume-based data to value the lumber inputs, poplar, ash, and pine.⁴

C. SUMMARY OF COURT’S OPINION IN *LIFESTYLE V*

In *Lifestyle V*, the CIT remanded the calculation of surrogate values for lumber to the Department instructing it to “issue a redetermination consistent with the opinion of the Court of Appeals,” in which the CAFC reversed the CIT’s decision to require the use of volume-based

² See Petitioners’ submission entitled, “Wooden Bedroom Furniture From The People’s Republic Of China: Petitioners’ Comments On The Draft Results Of Redetermination Pursuant To Fourth Remand (Consol. Ct. No. 09-00378) dated October 8, 2014, and Yihua Timber’s submission entitled, “Wooden Bedroom Furniture From The People’s Republic Of China: Comments On The Draft Results Of Redetermination Pursuant To Fourth Remand (Consol.Ct. No. 09-00378),” dated October 8, 2014.

³ See *Lifestyle IV*, 751 F.3d at 1373.

⁴ *Id.*, 751 F.3d at 1380-81.

data, to calculate surrogate values for poplar, ash, and pine.⁵ The CAFC stated that in valuing lumber using weight-based data “{b}ecause Commerce reasonably chose one of two imperfect data sets, the Trade Court erred in substituting its own judgment for Commerce’s.”⁶

Furthermore, the CAFC stated that “AFMC has provided us no basis for rejecting Commerce’s ultimate determination that, because it could not find distortions in the weight-based data to be so great as to override identified defects in the volume-based data, the weight-based data constituted the ‘best available information.’”⁷

C. DISCUSSION OF INTERESTED PARTIES’ COMMENTS

Petitioners and Yihua Timber both state that the Department’s Draft Results are consistent with the CAFC’s opinion. Petitioners, however, maintain that the CAFC opinion “was wrongly decided.” Furthermore, Petitioners state that they are considering filing a petition for a *writ of certiorari* with the United States Supreme Court, and that, therefore, this litigation is not final, and the Department should refrain from liquidating any entries of merchandise exported by Yihua Timber as required by the CIT’s injunction.

D. ANALYSIS

No interested party contested any aspect of the Department’s Draft Results. Thus, in compliance with the CIT’s order, and the CAFC opinion, the Department recalculated the surrogate values for poplar, ash, and pine lumber using World Trade Atlas weight-based import data.⁸ The Department will comply with all related injunctions.

⁵ See *Lifestyle IV*, 751 F.3d at 1378.

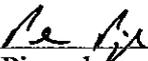
⁶ *Id.*

⁷ *Id.*, 751 F.3d at 1379.

⁸ See Analysis Memorandum for the Draft Redetermination Pursuant to the Fourth Court Remand in the 2007 Administrative Review of Wooden Bedroom Furniture from the People’s Republic of China: Guangdong Yihua Timber Industry Co., Ltd., dated October 1, 2014, and the Factor Valuation Memorandum for the Draft Redetermination Pursuant to the Fourth Court Remand in the 2007 Administrative Review of Wooden Bedroom Furniture from the People’s Republic of China: Guangdong Yihua Timber Industry Co., Ltd., dated October 1, 2014.

FINAL RESULTS OF REDETERMINATION

Following the CIT's directive, the Department recalculated Yihua's dumping margin using weight-based data.⁹ As a result, Yihua Timber's dumping margin decreased from 40.74 percent to 21.53 percent.



Paul Piquado
Assistant Secretary
for Enforcement and Compliance

16 OCTOBER 2014
Date

⁹ *Id.*