

NOTE: This disposition is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

MIDWEST FASTENER CORP.,
Plaintiff-Appellee

v.

UNITED STATES,
Defendant-Appellant

MID CONTINENT STEEL & WIRE, INC.,
Defendant-Appellee

2019-2226

Appeal from the United States Court of International Trade in No. 1:17-cv-00131-GSK, Judge Gary S. Katzmann.

Decided: August 28, 2020

ROBERT KEVIN WILLIAMS, Clark Hill PLC, Chicago, IL, argued for plaintiff-appellee. Also represented by MARK LUDWIKOWSKI, Washington, DC.

SOSUN BAE, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, argued for defendant-appellant. Also represented by

ETHAN P. DAVIS, JEANNE DAVIDSON, PATRICIA M. MCCARTHY; NIKKI KALBING, Office of the Chief Counsel for Trade Enforcement and Compliance, United States Department of Commerce, Washington, DC.

ADAM H. GORDON, The Bristol Group PLLC, Washington, DC, for defendant-appellee. Also represented by PING GONG.

Before PROST, *Chief Judge*, MOORE and STOLL, *Circuit Judges*.

STOLL, *Circuit Judge*.

The Government appeals a decision of the United States Court of International Trade affirming a remand determination of the United States Department of Commerce concluding that certain zinc masonry anchors and certain nylon masonry anchors imported by Midwest Fastener Corp. are outside the scope of certain antidumping and countervailing duty orders imposed on certain steel nails from the Socialist Republic of Vietnam. *See generally Midwest Fastener Corp. v. United States*, 389 F. Supp. 3d 1384 (Ct. Int'l Trade 2019); *see also Certain Steel Nails from the Socialist Republic of Vietnam: Countervailing Duty Order*, 80 Fed. Reg. 41,006 (Dep't of Commerce July 14, 2015); *Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders*, 80 Fed. Reg. 39,994 (Dep't of Commerce July 13, 2015). The issues in this case are substantially identical to the issues presented in *OMG, Inc. v. United States*, No. 19-2131 (Fed. Cir. Aug. 28, 2020), issued herewith. For the reasons stated in that opinion, we affirm the decision of the Court of International Trade.

AFFIRMED