NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

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

v.

UNITED STATES,
Defendant-Appellee

PT ENTERPRISE INC., PRO-TEAM COIL NAIL ENTERPRISE INC., UNICATCH INDUSTRIAL CO., LTD., WTA INTERNATIONAL CO., LTD., ZON MON CO., LTD., HOR LIANG INDUSTRIAL CORPORATION, PRESIDENT INDUSTRIAL INC., LIANG CHYUAN INDUSTRIAL CO., LTD.,
Defendants-Appellants

2024-1556

Appeal from the United States Court of International Trade in Nos. 1:15-cv-00213-CRK, 1:15-cv-00220-CRK, Judge Claire R. Kelly.

ON MOTION

Before TARANTO, BRYSON, and CUNNINGHAM, *Circuit Judges*

PER CURIAM.

O R D E R

The United States, by motion, informs this Court that the Department of Commerce has abandoned the position on which it prevailed in this case in the United States Court of International Trade, and it asks this Court to remand the case for further remand to Commerce so that Commerce may consider an alternative methodology for analyzing whether there is "a pattern of export prices (or constructed export prices) for comparable merchandise that differ significantly among purchasers, regions, or period of time" under 19 U.S.C. § 1677f-1(d)(1)(B)(i). We grant the motion, consistent with ordinary practice when an agency has materially changed the policy directly at issue in the case, mooting the specific dispute presented on appeal. *See*, *e.g.*, *SKF USA Inc. v. United States*, 254 F.3d 1022 (Fed. Cir. 2001). Commerce should have the opportunity to set forth an alternative policy analysis, which may then be subject to judicial review.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion is granted. The judgment of the Court of International Trade is vacated, and the case is remanded to the Court of International Trade, which shall further remand the matter to the Department of Commerce.

(2) Each side shall bear its own costs.

(3) Any petition for rehearing must be filed no later than 14 days from the date of this order.

FOR THE COURT

Jarrett B. Perlow
Clerk of Court

December 2, 2025
Date