

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN REUSABLE DIAPERS,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING THE SAME**

Investigation No. 337-TA-1077

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING A MOTION FOR TERMINATION OF THE
INVESTIGATION BASED ON THE WITHDRAWAL OF THE COMPLAINT;
TERMINATION OF INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 11) of the presiding administrative law judge (“ALJ”) granting a motion for termination of the investigation based on the withdrawal of the complaint.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3115. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <http://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“section 337”), on October 25, 2017, based on a complaint filed by complainant Cotton Babies, Inc. of Fenton, Missouri (“Complainant”). 82 *Fed. Reg.* 49422-23 (Oct. 25, 2017). The complaint alleges a violation of section 337 by reason of infringement of U.S. Trademark Registration No. 4,120,270 and certain claims of U.S. Patent No. 8,518,007 (“the ‘007 patent”). The Notice of Investigation named as respondents AlvaBaby.com of Shenzhen, China; Shenzhen Adsel Trading Co., Ltd., d/b/a Alva of Shenzhen, China; and Huizhou Huapin Garment Co., Ltd. of Huizhou, China (“Respondents”).

Id. at 49422. The Office of Unfair Import Investigations is named as a party in this investigation. *Id.*

On March 16, 2018, pursuant to 19 C.F.R. § 210.21(a)(1), Complainant filed a motion seeking to terminate without prejudice this investigation based upon the withdrawal of the Complaint against Respondents.

On April 16, 2018, the ALJ issued the subject ID (Order No. 11). The ALJ found that Complainant's motion is timely, that "there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation," and that termination of the investigation is in the public interest, as public and private resources will be conserved by termination during the early, pre-hearing stage of an investigation. *Id.* at 3-4 (citations omitted). Based on the foregoing, the ALJ granted Complainant's motion thus terminating the investigation. *Id.* at 5. No party petitioned for review of the subject ID, and the Commission has determined not to review it.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR Part 210.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton", with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

May 3, 2018