

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN INSULATED BEVERAGE
CONTAINERS, COMPONENTS, LABELS, AND
PACKAGING MATERIALS THEREOF**

Investigation No. 337-TA-1084

**NOTICE OF THE COMMISSION'S DETERMINATION NOT TO REVIEW INITIAL
DETERMINATIONS TERMINATING TWO RESPONDENTS FROM THE
INVESTIGATION BASED ON SETTLEMENT AGREEMENTS AND
GRANTING WITHDRAWAL OF CERTAIN PATENTS AGAINST
CERTAIN OTHER RESPONDENTS**

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 the presiding administrative law judge's ("ALJ") initial determinations ("IDs") (Order Nos. 19, 20, 21) terminating Respondents ContextLogic, Inc. d/b/a/ Wish and Bonanza.com, Inc. from the investigation based on settlement agreements and granting withdrawal of U.S. Design Patent No. D752,397; U.S. Design Patent No. D780,533; U.S. Design Patent No. D781,146; and U.S. Design Patent No. D784,775 as to certain other respondents.

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2737. 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 on November 24, 2017, based on a complaint and supplement, filed on behalf of YETI Coolers, LLC

of Austin, Texas (“complainant”). 82 FR 55860-61 (Nov. 24, 2017). The amended complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain insulated beverage containers, components, labels, and packaging materials thereof by reason of infringement of U.S. Trademark Registration No. 5,233,441; U.S. Trademark No. 4,883,074; U.S. Copyright Registration No. VA 1-974-722; U.S. Copyright Registration No. VA 1-974-732; U.S. Copyright Registration No. VA 1-974-735; U.S. Design Patent No. D752,397 (“the ’397 patent”); U.S. Design Patent No. D780,533 (“the ’533 patent”); U.S. Design Patent No. D781,146 (“the ’146 patent”); and U.S. Design Patent No. D784,775 (“the ’775 patent”). The complaint further alleges that an industry in the United States exists as required by section 337. The Notice of Investigation named as respondents ContextLogic, Inc. d/b/a/ Wish (“Wish”) of San Francisco, California; Bonanza.com, Inc. (“Bonanza”) of Seattle, Washington; Alibaba (China) Technology Co., Ltd., Alibaba Group Holding Limited, Alibaba.com Hong Kong Limited, Alibaba.com Singapore E-Commerce Private Limited all of Causeway Bay, Hong Kong (collectively, “Alibaba”), among others. The Office of Unfair Import Investigations (“OUII”) was named as a party.

On March 29, 2018, complainant and Wish filed a motion to terminate the investigation as to Wish based on settlement. Also on March 29, 2018, complainant and Bonanza filed a motion to terminate the investigation as to Bonanza based on settlement. In each of these motions, the parties to the motion certified that there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation. OUII supported both motions.

On April 6, 2018, complainant filed an unopposed motion for partial termination of the investigation based on the withdrawal of the ’397, ’533, ’146, and ’775 patents as to Alibaba. OUII supported the motion.

On April 17, 2018, the ALJ issued an ID granting the joint motion to terminate Wish based on settlement. Order No. 19. Complainant and Wish provided confidential and public versions of the settlement agreement. The ALJ found that no extraordinary circumstances prevented the partial termination of the investigation. No petitions for review were filed.

On April 17, 2018, the ALJ issued an ID granting the joint motion to terminate Bonanza based on settlement. Order No. 20. Complainant and Bonanza provided confidential and public versions of the settlement agreement. The ALJ found that no extraordinary circumstances prevented the partial termination of the investigation. No petitions for review were filed.

On April 17, 2018, the ALJ issued an ID granting the motion to terminate the ’397, ’533, ’146, and ’775 patents as to Alibaba. Order No. 21. The ALJ found that no extraordinary circumstances prevent the partial termination of the investigation. No petitions for review were filed.

The Commission has determined not to review the subject IDs.

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 C.F.R. Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is stylized and cursive.

Lisa R. Barton
Secretary to the Commission

Issued: May 11, 2018