

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

In the Matter of

**CERTAIN SELF-ANCHORING  
BEVERAGE CONTAINERS**

**Investigation No. 337-TA-1092**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION GRANTING A MOTION TO FIND THE LAST REMAINING  
RESPONDENTS IN DEFAULT**

**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) granting a motion of complainants Alfay Designs, Inc., of Rahway, New Jersey; Mighty Mug, Inc., of Rahway, New Jersey; and Harry Zimmerman of Los Angeles, California (collectively, “Complainants”) to find in default OUOH, Zhejiang OUOH Houseware Co., Ltd., of Wenzhou, China and DevBattles of Ternopil, Ukraine (collectively, “the Last Remaining Respondents”).

**FOR FURTHER INFORMATION CONTACT:** Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-708-2301. 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 (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://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 January 8, 2018, based on a complaint, as amended, filed by Complainants. 83 FR 835-36 (Jan. 8, 2018). The amended complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain self-anchoring beverage containers by reason of infringement of certain claims of U.S. Patent Nos. 8,028,850 and 8,757,418, as well as U.S. Trademark Registration No. 4,191,803. *Id.* The amended complaint further alleges that a domestic industry in the United States exists or is in the process of being established. The notice of investigation named as respondents Telebrands, Corp. of

Fairfield, New Jersey (“Telebrands”); HIRALIY of Guangzhou, Chin; Chekue, Shenzen Chekue Trading Co. Ltd. of Shenzhen, China; Tapcet, Guangzhou Tinghui Trade Co., Ltd. of Guangzhou, China; OTELAS, MB of Klaipeda, Lithuania; and Artiart Limited of Taipei, Taiwan (collectively, “the Unserved Respondents”); and the Last Remaining Respondents. *Id.* The Office of Unfair Import Investigations (“OUII”) also was named as a party to the investigation. *Id.* The Commission previously terminated the investigation with respect to Telebrands and the Unserved Respondents. *See* Order No. 8 (Feb. 16, 2018) (unreviewed Notice (Mar. 15, 2018)); Order No. 10 (Apr. 10, 2018) (unreviewed Notice May 8, 2018).

On March 26, 2018, Complainants filed a motion for a determination that the Last Remaining Respondents are in default for failure to respond to the Complaint and Notice of Investigation, or otherwise participate in this investigation. On March 30, 2018, OUII filed a response in support of the motion. No other responses were filed.

On April 10, 2018, the ALJ issued Order No. 9, instructing the Last Remaining Respondents to show cause why they should not be found in default. No responses were filed. On May 3, 2018, the ALJ issued the subject ID, granting, pursuant to Commission Rule 210.16, 19 CFR 210.16, Complainants’ motion to find the Last Remaining Respondents in default. No petitions for review were filed.

Complainants subsequently indicated their intent to file a motion for summary determination of violation and request for a recommendation for a general exclusion order.

The Commission has determined not to review the subject ID.

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.



Lisa R. Barton  
Secretary to the Commission

Issued: June 1, 2018