

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN BLOW-MOLDED BAG-IN-CONTAINER DEVICES, ASSOCIATED COMPONENTS, AND END PRODUCTS CONTAINING OR USING SAME

Investigation No. 337-TA-1115

NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL DETERMINATION GRANTING COMPLAINANTS' UNOPPOSED MOTION FOR PARTIAL TERMINATION

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. 26) of the presiding Administrative Law Judge (“ALJ”) granting complainants’ unopposed motion for partial termination of the above-captioned investigation by withdrawing the asserted claims of U.S. Patent Nos. 9,162,372 and 9,555,572.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, 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, SW, Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <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 under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on June 5, 2018, based on a complaint filed by Anheuser-Busch InBev S.A. of Leuven, Belgium and Anheuser-Busch, LLC of St. Louis, Missouri (collectively, “ABI,” or “Complainants”). 83 FR 26088-89 (Jun. 5, 2018). Supplements to the complaint were filed on May 4, 2018, and May 15, 2018. The complaint alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 9,162,372 (“the ’372 patent”); 9,517,876; 9,555,572 (“the ’572 patent”); and

9,944,453.

The notice of investigation names as respondents Heineken International B.V. of Amsterdam, Netherlands; Heineken N.V. of Amsterdam, Netherlands; Heineken USA Inc. of White Plains, New York; Heineken Holding N.V. of Amsterdam, Netherlands; Heineken Beer Systems B.V. of Amsterdam, Netherlands; Heineken Brouwerijen B.V. of Amsterdam, Netherlands; Heineken Export Americas B.V. of Amsterdam, Netherlands; and Heineken Global Procurement B.V. of Amsterdam, Netherlands (collectively, “Respondents”). The Office of Unfair Import Investigations is not participating in this investigation. *Id.* at 26089.

On March 19, 2019, Complainants filed an unopposed motion for partial termination of the investigation by withdrawal of the '572 and the '372 patents. The motion indicated that Respondents do not oppose.

On March 21, 2019, the ALJ issued the subject ID. He found that no extraordinary circumstances exist that would prevent the requested partial termination of this investigation. Order No. 26 at 2. He also found that ABI complied with the requirements of Commission Rule 210.21(a), 19 C.F.R. § 210.21(a)(1). Based on the foregoing, the ALJ granted Complainants' motion. No party petitioned for review of the 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.



Lisa R. Barton
Secretary to the Commission

Issued: April 11, 2019