

**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 TO REVIEW AN INITIAL DETERMINATION GRANTING COMPLAINANTS' MOTION TO TERMINATE THE INVESTIGATION IN WHOLE BASED ON WITHDRAWAL OF THE COMPLAINT

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review an initial determination ("ID") (Order No. 50) of the presiding Administrative Law Judge ("ALJ") granting complainants' motion to terminate the investigation in whole 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, 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 institution 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”). *Id.* at 26089. The Office of Unfair Import Investigations is not participating in this investigation. Subsequently, the investigation was terminated in part as to the ’372 and ’572 patents. Order No. 26 dated March 21, 2019 (*not reviewed*, April 11, 2019).

Pursuant to Commission Rule 210.21(a), 19 C.F.R. § 210.21(a), on April 29, 2019, Complainants moved to terminate this investigation in whole as to Respondents on the basis of withdrawal of the complaint. On April 30, 2019, Respondents filed a response opposing the motion. Respondents contend that termination is inappropriate given the advanced posture of the investigation and the fact that it has only temporarily halted importation of its accused products.

On May 3, 2019, the ALJ issued the subject ID granting Complainants’ motion. He found that no extraordinary circumstances exist that would prevent the requested termination of this investigation. Order No. 50 at 3. The ALJ stated that “[a]s ABI correctly noted, ‘[a] respondent’s objection has been found not to constitute an exceptional circumstance warranting denial of a motion for termination based upon a withdrawal of the complaint.’” *Id.* (citing *Certain Transport Vehicle Tires*, Inv. No. 337-TA-390, Order No. 17 at 5 (Jan. 30, 1997) (citations omitted)).

On May 10, 2019, Respondents Heineken filed a petition for review of the ID. On May 17, 2019, Complainants ABI filed a response opposing the petition.

The Commission has determined to review the subject ID. No further briefing is requested at this time.

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 26, 2019