

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN CHILD CARRIERS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1154

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION
AS TO CERTAIN ASSERTED PATENT CLAIMS**

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 determination ("ID") (Order No. 41), which terminates the investigation as to certain asserted patent claims based upon withdrawal of the complaint.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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 <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 TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on April 10, 2019, based on a complaint filed by LILLEbaby LLC of Golden, Colorado ("LILLEbaby"). 84 FR 14393, 14394 (Apr. 10, 2019). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), in the importation into the United States, in the sale for importation, or the sale within the United States after importation of certain child carriers and components thereof, by reason of the infringement of certain claims of U.S. Patent Nos. 8,172,116 ("the '116 patent") and 8,424,732 ("the '732 patent"). 84 FR at 14393-94. The notice of investigation names twenty-seven respondents. The Office of Unfair Import Investigations was also named as a party. *Id.*

A number of respondents have been terminated from the investigation based upon settlement or consent order. Order No. 12 (May 30, 2019), *not reviewed*, Notice (June 18, 2019); Order No. 17 (July 18, 2019), *not reviewed*, Notice (Aug. 12, 2019); Order No. 18 (July 18, 2019), *not reviewed*, Notice (Aug. 12, 2019); Order No. 21 (Aug. 13, 2019), *not reviewed*, Notice (Sept. 13, 2019); Order No. 22 (Aug. 23, 2019), *not reviewed*, Notice (Sept. 17, 2019); Order No. 23 (Aug. 29, 2019), *not reviewed*, Notice (Sept. 17, 2019); Order No. 25 (Sept. 6, 2019), *not reviewed*, Notice (Oct. 1, 2019); Order No. 33 (Nov. 19, 2019), *not reviewed*, Notice (Dec. 18, 2019). Other respondents have been found in default. See Order No. 38 (Dec. 3, 2019), *not reviewed*, Notice (Dec. 20, 2019). The remaining respondents are Baby Tula LLC a/k/a New Baby Tula LLC of San Diego, California; The Ergo Baby Carrier Inc. of Los Angeles, California; and Blue Box OpCo LLC d/b/a Infantino of San Diego, California.

The '732 patent has been terminated from the investigation based upon partial withdrawal of the complaint. Order No. 39 (Dec. 4, 2019), *not reviewed*, Notice (Dec. 20, 2019). Claims 1, 2, 5-7, 9, 11, 14-16 and 20 of the '116 patent were terminated based on withdrawal of the complaint. Order No. 31 (Nov. 12, 2019), *not reviewed*, Notice (Dec. 10, 2019).

On December 6, 2019, LILLEbaby filed an unopposed motion seeking to terminate the investigation as to claims 19, 23, 24, and 25 of the '116 patent based on withdrawal of the complaint. On December 18, 2019, the ALJ issued the subject ID pursuant to Commission Rule 210.21(a), 19 CFR 210.21(a), granting the motion. The ID finds there are no extraordinary circumstances that warrant denying the motion. ID at 2. LILLEbaby continues to assert claim 18 of the '116 patent. *Id.* at 2.

No petitions for review of the ID were filed. The Commission has determined not to review the 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 C.F.R. part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: January 16, 2020