

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN ROLLED-EDGE RIGID
PLASTIC FOOD TRAYS**

Inv. No. 337-TA-1203

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO RESPONDENT
ECO FOOD PAK (USA), INC. BASED ON A CONSENT ORDER STIPULATION;
ISSUANCE OF A CONSENT ORDER**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 6) granting a joint motion to terminate Eco Food Pak (USA), Inc. in the above captioned investigation based on a consent order stipulation. The Commission has entered a consent order.

FOR FURTHER INFORMATION CONTACT: Amanda Fisherow, 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 may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 23, 2020, based on a complaint filed by Clearly Clean Products, LLC of South Windsor, Connecticut and Converter Manufacturing, LLC of Orwigsburg, Pennsylvania (“Complainants”). 85 FR 37689-90 (June 23, 2020). The complaint alleges a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), by reason of infringement of certain claims of U.S. Patent Nos. 9,908,281 and 10,562,680. The complaint named two respondents: Eco Food Pak (USA), Inc. of Chino, California (“EFP”) and Ningbo Linhua Plastic Co., Ltd. of Fenghua, China. The Commission’s Office of Unfair Import Investigations (“OUII”) also was named as a party.

On August 17, 2020, Complainants and EFP filed a joint motion pursuant to Commission Rule 210.21(a)(2) to terminate the investigation as to EFP based on a consent order. The parties also filed supplemental filings that included a revised consent order stipulation and proposed consent order. OUII filed a response in support of the motion.

On October 1, 2020, the presiding ALJ issued the subject ID (Order No. 6) granting the joint motion. The ID finds that the motion, consent order stipulation, and proposed consent order, satisfy the requirements of Commission rules 210.21 (c)(3) and (c)(4). The ID further notes that the parties submitted a settlement agreement pursuant to Commission rule 210.21(b)(1) and the parties state that “there are no other agreements, written or oral, express or implied, between them concerning the subject matter of this Investigation.” The ID also finds that termination of the investigation would not be contrary to the public interest. No party petitioned for review of the ID.

The Commission has determined not to review the ID. The Commission has issued a consent order directed to EFP. EFP is hereby terminated from the investigation.

The Commission vote for this determination took place on October 10, 2020.

While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the Complainants complete service for any party/parties without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

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: October 20, 2020