

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

In the Matter of

**CERTAIN VACUUM INSULATED
FLASKS AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1216

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION FINDING MULTIPLE 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. 21) of the presiding Chief Administrative Law Judge (“CALJ”) finding the following respondents in default: Cangnan Kaiyisi E-Commerce Technology Co., Ltd. of Wenzhou, Zhejiang, China; Shenzhen Huichengyuan Technology Co., Ltd. of Shenzhen, Guangdong, China; Sinbada Impex Co., Ltd. of Hefei, Anhui, China; Yongkang Huiyun Commodity Co., Ltd. of Jinhua, Zhejiang, China; Wuyi Loncin Bottle Co., Ltd. of Jinhua, Zhejiang, China; Zhejiang Yuchuan Industry & Trade Co., Ltd. of Jinhua, Zhejiang, China; Zhejiang Yongkang Unique Industry & Trade Co., Ltd. of Jinhua, Zhejiang, China; Suzhou Prime Gifts Co., Ltd. of Suzhou, Jiangsu, China; Hangzhou Yuehua Technology Co., Ltd. of Hangzhou, Zhejiang, China; Guangzhou Yawen Technology Co., Ltd. of Guangzhou, China; Jinhua City Ruizhi E-Commerce Co., Ltd. of Jinhua City, Zhejiang Province, China; Wo Ma Te (Tianjin) International Trade Co., Ltd. of Tianjin, China; and Shenzhen City Yaxin General Machinery Co., Ltd. of Shenzhen, China (collectively, “the Defaulting Respondents”).

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) 205-2392. 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 on (202) 205-1810.

SUPPLEMENTARY INFORMATION: On September 3, 2020, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337

(“section 337”), based on a complaint filed by Steel Technology LLC d/b/a Hydro Flask and Helen of Troy Limited (collectively, “Complainants,” or “Hydro Flask”). 85 FR 55030-31 (Sept. 3, 2020). The complaint alleges a violation of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain vacuum insulated flasks and components thereof by reason of infringement of: (1) the sole claim of U.S. Design Patent Nos. D806,468; D786,012 (“the ’012 patent”); and D799,320; and (2) U.S. Trademark Registration Nos. 4,055,784; 5,295,365; 5,176,888; and 4,806,282 (“Steel Band Trademark”). The complaint also alleges the existence of a domestic industry. The notice of investigation names numerous respondents, including Everich and Tomic Houseware Co., Ltd. of Hangzhou, China (“Everich”) and the Defaulting Respondents. The Commission’s Office of Unfair Import Investigations (“OUII”) is also named as a party in this investigation. *Id.* Each of the Defaulting Respondents were served with the complaint and notice of investigation.

Subsequently, the Commission permitted Complainants to amend the complaint and notice of investigation to: (1) assert the ’012 patent against additional infringing products sold by Everich; (2) incorporate into the complaint the information and additional paragraphs included in Complainants’ Supplemental Letter to the Commission of August 18, 2020; and (3) correct the corporate names of four non-appearing respondents. Order No. 12 (Nov. 6, 2020), *unreviewed by* Notice (Nov. 24, 2020); *see* 85 FR 77239-40 (Dec. 1, 2020). The Commission also terminated the investigation as to certain other respondents based on a consent order and settlement agreement, or a settlement agreement, or a consent order stipulation and consent order. Order No. 13 (Nov. 30, 2020), *unreviewed by* Notice (Dec. 21, 2020); Order No. 17 (Jan. 27, 2021), *unreviewed by* Notice (Feb. 16, 2021); Order No. 19 (Feb. 19, 2021), *unreviewed by* Notice (Mar. 12, 2021). The Commission likewise terminated the investigation with respect to the Steel Band Trademark. Order No. 16 (Jan. 11, 2021), *unreviewed by* Notice (Feb. 8, 2021).

On February 8, 2021, Hydro Flask moved for an order to show cause and for entry of default as to the Defaulting Respondents. On February 18, 2021, OUII filed a response supporting Hydro Flask’s motion.

On February 25, 2021, the CALJ issued Order No. 20 pursuant to Commission Rule 210.16, 19 CFR 210.16, whereby the Defaulting Respondents were ordered to show why they should not be found in default for failure to respond to the Complaint and Notice of Investigation by the close of business on March 19, 2021. Order No. 20 (Feb. 25, 2021). None of the Defaulting Respondents filed a response.

On March 22, 2021, the CALJ issued the subject ID (Order No. 21) finding the Defaulting Respondents in default pursuant to Commission Rule 210.16(a)(1), 19 CFR 210.16(a)(1). The ID notes that “[a] party found in default shall be deemed to have waived its right to appear, to be served with documents, and to contest the allegations at issue in the investigation.” *Id.* (citing 19 CFR 210.16(b)(4)). The ID finds that the Defaulting Respondents have therefore waived their right to appear, be served with documents, and to contest the allegations at issue in this investigation. *Id.* No party petitioned for review of the ID.

The Commission has determined not to review the subject ID. The following respondents are in default: Cangnan Kaiyisi E-Commerce Technology Co., Ltd.; Shenzhen Huichengyuan Technology Co., Ltd.; Sinbada Impex Co., Ltd.; Yongkang Huiyun Commodity Co., Ltd.; Wuyi Loncin Bottle Co., Ltd.; Zhejiang Yuchuan Industry & Trade Co., Ltd.; Zhejiang Yongkang Unique Industry & Trade Co., Ltd.; Suzhou Prime Gifts Co., Ltd.; Hangzhou Yuehua Technology Co., Ltd.; Guangzhou Yawen Technology Co., Ltd.; Jinhua City Ruizhi E-Commerce Co., Ltd.; Wo Ma Te (Tianjin) International Trade Co., Ltd.; and Shenzhen City Yaxin General Machinery Co., Ltd.

The Commission vote for this determination took place on April 13, 2021.

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 14, 2021