

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

**In the Matter of**

**CERTAIN APPARATUS AND METHODS  
OF OPENING CONTAINERS**

**Investigation No. 337-TA-1255**

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL  
DETERMINATION TERMINATING THE INVESTIGATION AS TO RESPONDENT  
TOFBA INTERNATIONAL, INC.**

**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. 6) of the presiding chief administrative law judge (“CALJ”) terminating the investigation as to respondent Tofba International, Inc. (“Tofba”) based on withdrawal of allegations in the complaint.

**FOR FURTHER INFORMATION CONTACT:** Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3179. 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](mailto: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:** On March 18, 2021, the Commission instituted this investigation based on a complaint filed by Draft Top, LLC (“Draft Top”) of Long Beach, New Jersey. 86 FR 14765 (Mar. 18, 2021). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain apparatus and methods of opening containers by reason of infringement of claim 12 of U.S. Patent No. 10,519,016. *Id.* The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation named nine respondents, including Tofba of Hawthorne, California. *Id.* The Office of Unfair Import Investigations is also named as a party. *Id.*

On April 20, 2021, Draft Top and Tofba filed a joint motion to terminate the investigation as to Tofba based on withdrawal of the allegations in the complaint directed to Tofba. On April 30, 2021, OUII filed a response in support of the motion. No other responses were filed.

On May 12, 2021, the CALJ issued the subject ID granting the motion. The ID finds that “no extraordinary circumstances exist that would prevent the requested termination of this Investigation as to Tofba” and that “Draft Top has complied with the requirements of Commission Rule 210.21(a)” (19 CFR 210.21(a)). ID at 2. No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID. The investigation is terminated as to Tofba.

The Commission vote for this determination took place on May 27, 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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton  
Secretary to the Commission

Issued: May 27, 2021