

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN BEVERAGE BREWING
CAPSULES, COMPONENTS THEREOF,
AND PRODUCTS CONTAINING THE
SAME**

Investigation No. 337-TA-929

**NOTICE OF COMMISSION DECISION TO REVIEW AND MODIFY AN
INITIAL DETERMINATION TERMINATING THE INVESTIGATION WITH
RESPECT TO TWO RESPONDENTS BASED ON AN ENTRY OF A CONSENT
ORDER; ISSUANCE OF THE CONSENT ORDER**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review and modify the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 12) terminating the investigation in part based on a consent order stipulation, and has issued a consent order.

FOR FURTHER INFORMATION CONTACT: Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5468. 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 (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://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 on September 9, 2014, based on a complaint filed by Adrian Rivera of Whittier, California, and Adrian Rivera Maynez Enterprises, Inc., of Santa Fe Springs, California (together, "Complainants"). 79 *Fed. Reg.* 53445-46. The complaint, as amended and supplemented, 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, the sale for importation, and the sale within the United States after importation of certain beverage brewing capsules,

components thereof, and products containing the same that infringe certain claims of U.S. Patent No. 8,720,320. *Id.* at 53445. The Commission’s notice of investigation named as respondents Solofill LLC of Houston, Texas; DonGuan Hai Rui Precision Mould Co., Ltd. of Dong Guan City, China; Eko Brands, LLC, of Woodinville, Washington; Evermuch Technology Co., Ltd., of Hong Kong, China; Ever Much Company Ltd. of Shenzhen, China; Melitta USA, Inc., of North Clearwater, Florida; LBP Mfg., Inc. of Cicero, Illinois and LBP Packaging (Shenzhen) Co. Ltd. of Shenzhen, China (together, “LBP”); Spark Innovators, Corp., of Fairfield, New Jersey (“Spark”); B. Marlboros International Ltd. (HK) of Hong Kong, China (“B. Marlboros”); and Amazon.com, Inc. of Seattle, Washington. The Office of Unfair Import Investigations was named as a party to the investigation. *Id.* The Commission previously terminated the investigation with respect to LBP based on the entry of a consent order. *See* Order No. 10 (November 19, 2014, *not reviewed* December 18, 2014).

On November 18, 2014, Complainants, Spark, and B. Marlboros jointly moved to terminate the investigation with respect to Spark and B. Marlboros based on the entry of a consent order. The parties submitted a consent stipulation, a proposed consent order, a settlement agreement, and stated that there are no other agreements, written or oral, express or implied, between the parties concerning the subject matter of the investigation. On December 12, 2014, the Commission Investigative Attorney filed a response indicating that he does not oppose the parties’ motion. The parties filed a corrected consent order stipulation on December 16, 2014.

On December 16, 2014, the ALJ issued the subject ID, granting the motion and terminating the investigation with respect to Spark and B. Marlboros. The ALJ found that the consent stipulation, proposed consent order, and settlement agreement complied with the Commission rules, and that terminating the investigation pursuant to the consent order would not have an adverse impact on the public interest. No party petitioned for review of the ID.

The Commission has determined to review and modify the subject ID as follows: all references to “LBP” in the ID are changed to “Respondents,” and the grace period date noted in the ID is changed from July 1, 2015 to April 1, 2015. These changes are made to conform to the parties’ motion, proposed consent order, and settlement agreement.

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.

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: January 13, 2015