

**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 NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING-IN-PART THE INVESTIGATION
BASED ON A PARTIAL WITHDRAWAL OF THE COMPLAINT**

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. 18) terminating the investigation in part based on a partial withdrawal of the complaint.

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 same that infringe claims 5-8 and 18-20 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 and DonGuan Hai Rui Precision Mould Co., Ltd. of Dong Guan City, China (together, “Solofill”); 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 (“Melitta”); 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 (“Amazon”). The Office of Unfair Import Investigations was named as a party to the investigation. *Id.* The Commission previously terminated this investigation with respect to LBP, Spark, B. Marlboros, Melitta, and Amazon based on consent orders or settlement. Notice (December 18, 2014); Notice (January 13, 2015); Notice (March 27, 2015); Notice (April 10, 2015).

On March 13, 2015, Complainants moved to withdraw their complaint and terminate the investigation with respect to their allegations regarding claims 8 and 19 against Solofill. Later that day, Solofill responded that it did not oppose the motion. On March 17, 2015, the ALJ denied the motion because it failed to state that there were no agreements, written or oral, express or implied, between the parties concerning the subject matter of the investigation.

On March 19, 2015, Complainants refiled their withdrawal motion, and explicitly stated that the parties had no agreements, written or oral, express or implied, concerning the subject matter of the investigation. Later that day, Complainants filed an amended motion that stated that the motion was unopposed.

On March 24, 2015, the ALJ issued the subject ID, which granted the amended motion and terminated the investigation with respect to the allegations regarding claims 8 and 19 against Solofill. No petitions for review of the ID were filed.

The Commission has determined not to review the subject 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: April 21, 2015