

**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 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 not to review the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 10) terminating the investigation in part based on a consent order stipulation.

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 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; B. Marlboros International Ltd. (HK) of Hong Kong, China; and Amazon.com, Inc. of Seattle, Washington. The Office of Unfair Import Investigations was named as a party to the investigation. *Id.*

On November 5, 2014, Complainants and LBP jointly moved to terminate the investigation with respect to LBP 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. The parties filed a corrected consent order and consent stipulation on November 7, 2014. On November 17, 2014, the Commission Investigative Attorney filed a response indicating that it does not oppose the parties’ motion.

On November 19, 2014, the ALJ issued the subject ID, granting the motion and terminating the investigation with respect to LBP. 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 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: December 18, 2014