

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

In the Matter of

**CERTAIN LIP BALM PRODUCTS,
CONTAINERS FOR LIP BALM, AND
COMPONENTS THEREOF**

Investigation No. 337-TA-961

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING DOLLAR TREE, INC. AND DOLLAR TREE
STORES, INC. ON THE BASIS OF A SETTLEMENT AGREEMENT**

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. 5) terminating the investigation as to respondents Dollar Tree, Inc. and Dollar Tree Stores, Inc. (collectively, "Dollar Tree") on the basis of a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2392. 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 at <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 TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on July 15, 2015, based on a complaint filed by eos Products, LLC and The Kind Group LLC, both of New York, New York. 80 *Fed. Reg.* 41513 (Jul. 15, 2015). The complaint 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 lip balm products, containers for lip balm, and components thereof by reason of

infringement of certain claims of U.S. Patent No. 8,888,391. The complaint further alleges that an industry in the United States exists or is in the process of being established. The notice of institution named ten respondents including Dollar Tree.

On July 22, 2015, the complainants filed a motion to terminate Dollar Tree on the basis of a settlement agreement and to stay the investigation with respect to Dollar Tree. The motion included an unredacted public version of the settlement agreement. Complainants affirmed that there are no other agreements, written or oral, express or implied, between them concerning the subject matter of the investigation. On July 29, 2015, the Commission investigative attorney filed a response indicating the staff did not oppose the motion. No other party opposed the motion.

On July 29, 2015, the ALJ granted the motion as an ID. The ALJ found no information indicating that termination of the investigation with respect to Dollar Tree on the basis of the settlement agreement is contrary to the public health and welfare, competitive conditions in the U.S. economy, the production of like or directly competitive articles in the United States, or U.S. consumers. Order No. 5 at 2.

No petitions for review of the ID were filed. The Commission has determined not to review the 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: August 20, 2015