

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

**In the Matter of**

**CERTAIN SELF-ANCHORING  
BEVERAGE CONTAINERS**

**Investigation No. 337-TA-1092  
(Rescission Petition)**

**NOTICE OF COMMISSION DETERMINATION TO EXTEND THE  
DEADLINE TO DETERMINE WHETHER TO INSTITUTE  
A RESCISSION PROCEEDING**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (“the Commission”) has determined to extend its deadline to determine whether to institute a rescission proceeding by two weeks to May 20, 2019.

**FOR FURTHER INFORMATION CONTACT:** Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, 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, SW, Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<https://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://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 the underlying investigation on January 8, 2018, based on the complaint of Alfay Designs, Inc. of Rahway, New Jersey; Mighty Mug, Inc. of Rahway, New Jersey; and Harry Zimmerman of Los Angeles, California (collectively, “Complainants”) that alleged that several respondents violated section 337 by infringing, *inter alia*, claim 1 of U.S. Patent No. 8,028,850 (“the ’850 patent”). 83 Fed. Reg. 835 (Jan. 8, 2018). On December 18, 2018, at the conclusion of the investigation, the Commission issued a general exclusion order (“GEO”) with respect to claim 1 of the ’850 patent.

On April 4, 2019, Mayborn USA, Inc. and Mayborn Group Limited (collectively, “Mayborn”), which were not parties to the underlying investigation, petitioned to rescind the GEO. Mayborn alleges it has identified prior art that renders claim 1 of the ’850 patent invalid, and argues that the identification of the prior art is a changed condition that warrants rescinding the GEO. On April 15, 2019, Complainants and the Office of Unfair Import Investigations (“OUII”) filed separate responses opposing the petition.

On April 19, 2019, Mayborn moved for leave to file a reply in support of its rescission petition. OUII opposed the motion on April 24, 2019, and Complainants opposed the motion on April 26, 2019. Finally, on April 26, 2019, Mayborn moved to file a reply in support of its motion for leave to file a reply

Pursuant to Commission Rule 210.76(b)(1), the Commission has until May 6, 2019, to determine whether to institute a rescission proceeding, unless the Commission finds that exceptional circumstances exist or the petitioner requests otherwise. The Commission finds that exceptional circumstances warrant extending the deadline for determining whether to institute a rescission proceeding to May 20, 2019.

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.



Lisa R. Barton  
Secretary to the Commission

Issued: May 6, 2019