

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN SELF-ANCHORING
BEVERAGE CONTAINERS**

Investigation No. 337-TA-1092

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING A MOTION TO WITHDRAW THE COMPLAINT AS
TO CERTAIN UNSERVED RESPONDENTS**

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 an initial determination (“ID”) (Order No. 10) granting a motion of complainants Alfay Designs, Inc., of Rahway, New Jersey; Mighty Mug, Inc., of Rahway, New Jersey; and Harry Zimmerman of Los Angeles, California (collectively, “Complainants”) to terminate the investigation as to respondents HIRALIY of Guangzhou, China (“Hiraliy”); Chekue, Shenzhen Chekue Trading Co. Ltd. of Shenzhen, China (“Chekue”); Tapcet, Guangzhou Tinghui Trade Co., Ltd. of Guangzhou, China (“Tapcet”); OTELAS, MB of Klaipeda, Lithuania (“Otelas”); and Artiart Limited of Taipei, Taiwan (“Artiart”) based on Complainants inability to serve those respondents with the complaint.

FOR FURTHER INFORMATION CONTACT: Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-708-2301. 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 (<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 this investigation on January 8, 2018, based on a complaint, as amended, filed by Alfay Designs, Inc., of Rahway, New Jersey; Mighty Mug, Inc., of Rahway, New Jersey; and Harry Zimmerman of Los Angeles, California (collectively, “Complainants”). 83 FR 835-36 (Jan. 8, 2018). The amended complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), in the importation into the United States, the sale for importation, and the

sale within the United States after importation of certain self-anchoring beverage containers by reason of infringement of certain claims of U.S. Patent Nos. 8,028,850 and 8,757,418, as well as U.S. Trademark Registration No. 4,191,803. *Id.* The amended complaint further alleges that a domestic industry in the United States exists or is in the process of being established. The notice of investigation named several respondents including Telebrands, Corp. of Fairfield, New Jersey (“Telebrands”), Hiraliiy, Chekue, Tapcet, Otelas; and Artiart. *Id.* The Office of Unfair Import Investigations (“OUII”) also was named as a party to the investigation. *Id.* The Commission previously terminated the investigation with respect to Telebrands. *See* Notice (Mar. 15, 2018); Order No. 8 (Feb. 16, 2018).

On March 27, 2018, Complainants filed motion to withdraw the complaint as to those respondents where service has not been completed, namely Hiraliiy, Chekue, Otelas, Artiart, and Tapcet. Complainants explained that they were unable to personally serve the aforementioned respondents despite having done adequate due diligence to locate those respondents. On March 30, 2018, OUII filed a response in support of the motion. No other responses were received.

On April 10, 2018, the ALJ issued the subject ID granting the motion pursuant to Commission Rule 210.21(a)(1) (19 CFR 210.21(a)(1)). The ID finds that the motion complies with the requirements of the rule, no extraordinary circumstances exist that would prevent the requested termination, and the request is not contrary to the public interest. No petitions for review 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 CFR Part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: May 8, 2018