

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN CHILD CARRIERS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1154

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION
AS TO CERTAIN ASSERTED PATENT CLAIMS**

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. 31), which terminates the investigation as to certain asserted patent claims based upon withdrawal of the complaint.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-2532. 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 <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 TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on April 10, 2019, based on a complaint filed by LILLEbaby LLC of Golden, Colorado ("LILLEbaby"). 84 FR 14393, 14394 (Apr. 10, 2019). 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, in the sale for importation, or the sale within the United States after importation of certain child carriers and components thereof, by reason of the infringement of claims 1, 2, 5-7, 9, 11, 14-16, 18-20, and 23-25 of U.S. Patent Nos. 8,172,116 ("the '116 patent") and claims 1-14 of U.S. Patent No. 8,424,732 ("the '732 patent"). 84 FR at 14393-94. The notice of investigation names twenty-seven respondents, including Baby Tula LLC a/k/a New Baby Tula LLC of San Diego, California, The Ergo Baby Carrier Inc. of Los Angeles, California, and

BlueBox OpCo LLC d/b/a Infantino of San Diego, California (collectively, “the Moving Respondents”); as well as BabyBjorn AB of Bredaryd, Sweden and BabyBjorn Inc. of New York, New York (collectively, “BabyBjorn”). The Office of Unfair Import Investigations was also named as a party. *Id.* A number of respondents have been terminated from the investigation based upon settlement or consent order. Order No. 12 (May 30, 2019), *not reviewed*, Notice (June 18, 2019); Order No. 17 (July 18, 2019), *not reviewed*, Notice (Aug. 12, 2019); Order No. 18 (July 18, 2019), *not reviewed*, Notice (Aug. 12, 2019); Order No. 21 (Aug. 13, 2019), *not reviewed*, Notice (Sept. 13, 2019); Order No. 22 (Aug. 23, 2019), *not reviewed*, Notice (Sept. 17, 2019); Order No. 23 (Aug. 29, 2019), *not reviewed*, Notice (Sept. 17, 2019); Order No. 25 (Sept. 6, 2019), *not reviewed*, Notice (Oct. 1, 2019).

On November 8, 2019, LILLEbaby and the Moving Respondents filed a joint motion to terminate the investigation as to claims 1, 2, 5-7, 9, 11, 14-16, and 20 of the ’116 patent and claims 1-9 of the ’732 patent. BabyBjorn did not oppose the motion, and the Commission investigative attorney supported it.

On November 12, 2019, the ALJ issued the subject ID pursuant to Commission Rule 210.21(a), 19 CFR 210.21(a), granting the motion. The ID finds there are no extraordinary circumstances that warrant denying the motion. ID at 2. LILLEbaby continues to assert claims 18-19 and 23-25 of the ’116 patent and claims 10-14 of the ’732 patent. *Id.* at 2 n.1.

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: December 10, 2019