

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, D.C.

In the Matter of

**CERTAIN ELECTROLYTE CONTAINING
BEVERAGES AND LABELING AND
PACKAGING THEREOF**

Investigation No. 337-TA-1269

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION SETTING A 17-MONTH TARGET DATE**

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. 3) of the presiding administrative law judge (“ALJ”) setting a 17-month target date for completion of the above-captioned investigation of December 5, 2022.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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: On July 6, 2021, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by CAB Enterprises, Inc. of Houston, Texas and Sueros y Bebidas Rehidratantes, S.A. de C.V. of Mexico. *See* 86 FR 35532-33 (July 6, 2021). The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain electrolyte containing beverages and labeling and packaging thereof by reason of infringement of U.S. Trademark Registration Nos. 4,222,726; 4,833,885; 4,717,350; and 4,717,232. *See id.* The notice of investigation names 14 respondents (all of Mexico): Flexicompuestos S.A. de C.V.; Grupo Comercial Lux del Norte S.A. de C.V.; Carbonera Los Asadores S.A. de C.V.; Caribe Agencia Express, S.A. de C.V.; Comercializadora Degu S.A. de C.V.; Comercial Treviño de Reynosa, S.A. de C.V.; H & F Tech International S.A. de C.V.; MPC Foods S.A. de C.V.; Myrna Guadalupe Perez Martinez; Leticia Angélica Saenz Fernandez; Yoselen Susana Martinez Tirado; Distribuidora Mercatto S.A. de C.V.; Comercializadora

Embers S.A. de C.V.; and Manuel Bautista Nogales. *See id.* The Office of Unfair Import Investigations is also a party to the investigation. *See id.*

On July 16, 2021, the ALJ issued the subject ID setting a 17-month target date for completion of the investigation of December 5, 2022. *See ID* at 1. Good cause exists under Commission Rule 210.51(a)(1), 19 CFR 210.51(a)(1), for the set target date, in view of the ALJ's "schedule and responsibilities in other investigations." *See id.* Pursuant to this schedule, the final ID on violation is due by August 5, 2022.

No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID. The target date for the investigation is December 5, 2022.

The Commission's vote for this determination took place on August 2, 2021.

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: August 2, 2021