

**UNITED STATES INTERNATIONAL TRADE COMMISSION**  
**Washington, D.C. 20436**

**In the Matter of**

**CERTAIN ENERGY DRINK PRODUCTS**

**Investigation No. 337-TA-678**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW TWO INITIAL  
DETERMINATIONS FINDING RESPONDENTS IN DEFAULT**

**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 two initial determinations (“IDs”) (Order Nos. 29 and 30) issued by the presiding administrative law judge (“ALJ”) in the above-captioned investigation finding respondents Posh Nosh Imports (“Posh Nosh”), Greenwich Inc. (“Greenwich”), Advantage Food Distributors, Ltd. (“Advantage”), and Chicago Import Inc. (“Chicago”) in default.

**FOR FURTHER INFORMATION CONTACT:** Paul M. Bartkowski, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5432. 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’s TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on June 17, 2009, based on a complaint filed by Red Bull GmbH and Red Bull North America, Inc. (“Red Bull”). 74 *Fed. Reg.* 28725 (June 17, 2009). The complaint as amended alleged violations of section 337 of the Tariff Act of 1930 (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 energy drink products by reason of infringement of U.S. Trademark Registration Nos. 3,092,197; 2,946,045; 2,994,429; and 3,479,607 and U.S. Copyright Registration No. VA0001410959. The complaint initially named six respondents, and six additional respondents were subsequently added to the investigation.

Respondents Posh Nosh, Greenwich, Advantage, and Chicago each failed to respond to orders to show cause (Order Nos. 19 and 20) why each should not be found in default. Accordingly, on January 8, 2010, the ALJ issued Order No. 29, finding Posh Nosh, Greenwich, and Advantage in default, and on January 11, 2010, the ALJ issued Order No. 30, finding Chicago in default. No petitions for review were filed.

The Commission has determined not to review the subject IDs.

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 sections 210.16 and 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.16; 210.42).

By order of the Commission.

/s/  
Marilyn R. Abbott  
Secretary to the Commission

Issued: January 28, 2010