

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN REUSABLE DIAPERS,
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING THE SAME**

Investigation No. 337-TA-1077

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING A MOTION FOR PARTIAL TERMINATION OF THE
INVESTIGATION WITH RESPECT TO ASSERTED CLAIMS 20 AND 21 OF U.S.
PATENT NO. 8,518,007**

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. 6) of the presiding administrative law judge (“ALJ”) granting a motion for partial termination of the investigation with respect to asserted claims 20 and 21 of U.S. Patent No. 8,518,007.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3115. 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 <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 under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“section 337”), on October 25, 2017, based on a complaint filed by complainant Cotton Babies, Inc. of Fenton, Missouri (“Complainant”). 82 *Fed. Reg.* 49422-23 (Oct. 25, 2017). The complaint alleges a violation of section 337 by reason of infringement of U.S. Trademark Registration No. 4,120,270 and certain claims of U.S. Patent No. 8,518,007 (“the ‘007 patent”). The complaint named Alvababy.com of Shenzhen, China; Shenzhen Adsel Trading Co., Ltd., d/b/a Alva of Shenzhen, China; and Huizhou Huapin Garment Co., Ltd. of Huizhou, China as respondents. *Id.* at 49422. The Office of Unfair Import Investigations is named as a party in this investigation. *Id.*

On February 9, 2018, Complainant filed an unopposed motion for partial termination of this Investigation (“Motion”) with respect to asserted claims 20 and 21 of the ‘007 patent, and a memorandum in support of its Motion (“Mem.”). Mot. at 1.

On February 14, 2018, the ALJ issued the subject ID (Order No. 6). The ALJ noted Complainant’s statement, in accordance with CFR 210.21(a), that “there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation,” and found that there were no extraordinary circumstances that would justify denying Complainant’s Motion to terminate claims 20 and 21 of the ‘007 patent from the investigation. Order No. 6 at 1-2. The ALJ granted the subject motion and terminated the investigation with respect to claims 20 and 21 of the ‘007 patent. *Id.* at 2. No party petitioned for review of the subject ID, and the Commission has determined not to review it.

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: March 12, 2018