

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

In the Matter of

**CERTAIN INSULATED BEVERAGE
CONTAINERS, COMPONENTS, LABELS, AND
PACKAGING MATERIALS THEREOF**

Investigation No. 337-TA-1084

**NOTICE OF THE COMMISSION’S DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION TERMINATING FIVE RESPONDENTS FROM THE
INVESTIGATION BASED ON SETTLEMENT AGREEMENTS**

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. 27) terminating Respondents Alibaba (China) Technology Co., Ltd., Alibaba Group Holding Limited, Alibaba.com Hong Kong Limited, Alibaba.com Singapore E-Commerce Private Limited, and Hangzhou Alibaba Advertising Co., Ltd. from the investigation based on a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2737. 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’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 24, 2017, based on a complaint and supplement, filed on behalf of YETI Coolers, LLC of Austin, Texas (“complainant”). 82 FR 55860-61 (Nov. 24, 2017). The amended complaint, as supplemented, alleges violations 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 insulated beverage containers, components, labels, and packaging materials thereof by reason of infringement of U.S. Trademark Registration No. 5,233,441; U.S. Trademark No. 4,883,074; U.S. Copyright Registration No. VA 1-974-722; U.S. Copyright Registration No. VA 1-974-732; U.S. Copyright Registration No. VA 1-974-735; U.S. Design Patent No. D752,397; U.S. Design Patent No. D780,533; U.S. Design Patent No. D781,146; and U.S. Design Patent No. D784,775. The complaint further alleges that an industry in the United States exists as required by section 337. The Notice of Investigation named as respondents Alibaba (China) Technology Co., Ltd.; Alibaba Group Holding Limited; Alibaba.com Hong Kong Limited; Alibaba.com Singapore E-Commerce Private Limited; and Hangzhou Alibaba Advertising Co., Ltd. all of Causeway Bay, Hong Kong (collectively, “Alibaba”), among others. The Office of Unfair Import Investigations (“OUII”) was named as a party.

On May 22, 2018, complainant and Alibaba filed a joint motion to terminate the investigation as to Alibaba based on settlement. The parties certified that there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation and provided confidential and public versions of the settlement agreement. OUII supported the motion.

On June 8, 2018, the ALJ issued an ID granting the joint motion to terminate Alibaba. Order No. 27. The ALJ found that the joint motion complies with the applicable Commission rules and that settlement would not be 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 C.F.R. Part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: June 28, 2018