

**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 RESPONDENT DUNHUANG GROUP
FROM THE INVESTIGATION BASED ON SETTLEMENT**

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. 11) terminating Respondent Dunhuang Group from the investigation based on settlement.

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 Dunhuang Group (“DHgate”) of Beijing, China, among others, as a respondent. The Office of Unfair Import Investigations was named as a party.

On February 26, 2018, complainant and DHgate filed an unopposed motion to terminate the investigation as to DHgate based on settlement. In this motion, the complainant and DHgate certified that there are no agreements, written or oral, express or implied between the parties concerning the subject matter of the investigation.

On March 8, 2018, the ALJ issued an order (Order No. 11) granting the joint motion. Complainant and DHgate provided confidential and public versions of the settlement agreement. The ALJ found that no extraordinary circumstances prevented the partial termination of the investigation. 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: March 26, 2018