

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

In the Matter of

**CERTAIN SELF-ANCHORING  
BEVERAGE CONTAINERS**

**Investigation No. 337-TA-1092**

**NOTICE OF COMMISSION DETERMINATION GRANTING A JOINT MOTION TO  
TERMINATE THE INVESTGATION AS TO RESPONDENT TELEBRANDS CORP.  
BASED ON A SETTLEMENT AGREEMENT**

**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. 8) granting a joint motion to terminate the investigation as to respondent Telebrands, Corp. of Fairfield, New Jersey (“Telebrands”) based on a settlement agreement.

**FOR FURTHER INFORMATION CONTACT:** Megan M. Valentine, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-708-2301. 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 (<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 January 8, 2018, based on a complaint, as amended, filed by Alfay Designs, Inc., of Rahway, New Jersey; Mighty Mug, Inc., of Rahway, New Jersey; and Harry Zimmerman of Los Angeles, California (collectively, “Complainants”). 83 FR 835-36 (Jan. 8, 2018). The amended complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain self-anchoring beverage containers by reason of infringement of certain claims of U.S. Patent Nos. 8,028,850 and 8,757,418, as well as U.S. Trademark Registration No. 4,191,803. *Id.* The amended complaint further alleges that a domestic industry in the United States exists or is in the process of being established. The notice of investigation named as respondents Telebrands; HIRALIY of Guangzhou, China; Chekue,

Shenzen Chekue Trading Co. Ltd. of Shenzhen, China; Tapcet, Guangzhou Tinghui Trade Co., Ltd. of Guangzhou, China; OUOH, Zhejiang OUOH Houseware Co., Ltd., Wenzhou, China; DevBattles of Ternopil, Ukraine; OTELAS, MB of Klaipeda, Lithuania; and Artiart Limited of Taipei, Taiwan. *Id.* The Office of Unfair Import Investigations (“OUII”) also was named as a party to the investigation. *Id.*

On February 5, 2018, Complainants and respondent Telebrands filed a joint motion to terminate the investigation as to Telebrands based on a settlement agreement. On February 6, 2018, OUII filed a response in support of the motion. No other responses were received.

On February 16, 2018, the ALJ issued the subject ID granting the joint motion pursuant to Commission Rule 210.21(a)(2) (19 CFR 210.21(a)(2)). The ID finds that the settlement agreement is consistent with the requirements of Commission Rule 210.21(b)(1) (19 CFR 210.21(b)(1)). The ID also finds, pursuant to Commission Rule 210.50(b)(2) (19 CFR 210.50(b)(2)), that the requested termination does not impose any undue burdens on the public health and welfare, competitive conditions in the United States economy, production of like or directly competitive articles in the United States, or United States consumers. 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 CFR Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton  
Secretary to the Commission

Issued: March 15, 2018