

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

**In the Matter of**

**CERTAIN BLOW-MOLDED BAG-IN-CONTAINER DEVICES, ASSOCIATED COMPONENTS, AND END PRODUCTS CONTAINING OR USING SAME**

**Investigation No. 337-TA-1115**

**NOTICE A COMMISSION DETERMINATION TO REVIEW AND, ON REVIEW, TO MODIFY AN INITIAL DETERMINATION GRANTING COMPLAINANTS' MOTION TO AMEND THE COMPLAINT AND NOTICE OF INVESTIGATION TO WITHDRAW CLAIM 16 OF U.S. PATENT NO. 9,555,572**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review and, on review, to modify the initial determination (“ID”) (Order No. 19) of the presiding Administrative Law Judge (“ALJ”) granting complainants’ request to withdraw claim 16 of U.S. Patent No. 9,555,572.

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW, 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, SW, 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 under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“section 337”), on June 5, 2018, based on a complaint filed by Anheuser-Busch InBev S.A. of Leuven, Belgium and Anheuser-Busch, LLC of St. Louis, Missouri (collectively, “ABI,” or “Complainants”). 83 FR 26088-89 (Jun. 5, 2018). Supplements to the complaint were filed on May 4, 2018, and May 15, 2018. The complaint alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent Nos. 9,162,372; 9,517,876; 9,555,572 (“the ‘572 patent”); and 9,944,453.

The notice of investigation names as respondents Heineken International B.V. of

Amsterdam, Netherlands; Heineken N.V. of Amsterdam, Netherlands; Heineken USA Inc. of White Plains, New York; Heineken Holding N.V. of Amsterdam, Netherlands; Heineken Beer Systems B.V. of Amsterdam, Netherlands; Heineken Brouwerijen B.V. of Amsterdam, Netherlands; Heineken Export Americas B.V. of Amsterdam, Netherlands; and Heineken Global Procurement B.V. of Amsterdam, Netherlands (collectively, “Heineken,” or “Respondents”). The Office of Unfair Import Investigations is not participating in this investigation. *Id.* at 26089.

On December 21, 2018, complainants ABI moved to amend the complaint and notice of investigation by removing claim 16 of the ‘572 patent from the investigation. Respondents Heineken did not oppose the motion.

On January 29, 2019, the ALJ issued the subject ID (Order No. 19) granting the motion under Commission Rule 210.14(b), 19 C.F.R. § 210.14(b). No party petitioned for review of the subject ID.

The Commission has determined to review the subject ID and, on review, to modify it to hold that ABI’s request to withdraw claim 16 of the ‘572 patent is granted under Commission Rule 210.21(a), 19 C.F.R. § 210.21(a).

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: February 21, 2019