

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

Inv. No. 337-TA-1115

NOTICE OF INSTITUTION OF INVESTIGATION

AGENCY: U.S. International Trade Commission

ACTION: Notice

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 30, 2018, under section 337 of the Tariff Act of 1930, as amended, on behalf of Anheuser-Busch InBev S.A. of Belgium and Anheuser-Busch, LLC of St. Louis, Missouri. Supplements to the Complaint were filed on May 4, 2018 and May 15, 2018. The 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 blow-molded bag-in-container devices, associated components, and end products containing or using same by reason of infringement of certain claims of U.S. Patent No. 9,162,372 (“the ’372 patent”); U.S. Patent No. 9,517,876 (“the ’876 patent”); U.S. Patent No. 9,555,572 (“the ’572 patent”); and 9,944,453 (“the ’453 patent”). The complaint further alleges that an industry in the United States exists or is in the process of being established as required by the applicable Federal Statute.

The complainant request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C. 20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (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>.

FOR FURTHER INFORMATION CONTACT: Katherine Hiner, Office of the Secretary, Docket Services Division, U.S. International Trade Commission, telephone (202) 205-1802.

SUPPLEMENTARY INFORMATION:

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.10 (2018).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on May 30, 2018, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain blow-molded bag-in-container devices, associated components, and end products containing or using same by reason of infringement of one or more of claim 1 of the '372 patent; claims 1-5 of the '876 patent; claims 7-17 of the '572 patent; and claims 1, 2, and 4-7 of the '453 patent, and whether an industry in the United States exists or is in the process of being established as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Anheuser-Busch InBev S.A.
Brouwerijplein 1
3000 Leuven, Belgium

Anheuser-Busch, LLC
One Busch Place
St. Louis, Missouri 63118

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint is to be served:

Heineken International B.V.
Tweede Weteringplantsoen 21
Amsterdam 1017 ZD Netherlands

Heineken N.V.
Tweede Weteringplantsoen 21
Amsterdam 1017 ZD Netherlands

Heineken USA Inc.
360 Hamilton Avenue Suite 1103
White Plains, NY 10601

Heineken Holding N.V.
Tweede Weteringplantsoen 5
Amsterdam 1017 ZD Netherlands

Heineken Beer Systems B.V.
Tweede Weteringplantsoen 21
Amsterdam 1017 ZD Netherlands

Heineken Brouwerijen B.V.
Tweede Weteringplantsoen 21
Amsterdam 1017 ZD Netherlands

Heineken Export Americas B.V.
Tweede Weteringplantsoen 21
Amsterdam 1017 ZD Netherlands

Heineken Global Procurement B.V.
Tweede Weteringplantsoen 21
Amsterdam 1017 ZD Netherlands

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not participate as a party in this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 C.F.R. 210.13. Pursuant to 19 C.F.R. 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

A handwritten signature in black ink, appearing to read "Lisa R. Barton". The signature is fluid and cursive, with the first name "Lisa" being the most prominent part.

Lisa R. Barton
Secretary to the Commission

Issued: May 31, 2018