

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN FOLDABLE REUSABLE
DRINKING STRAWS AND COMPONENTS
AND ACCESSORIES THEREOF**

Investigation No. 337-TA-1183

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION WITH
RESPECT TO ONE ASSERTED PATENT CLAIM**

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. 17) of the presiding administrative law judge (“ALJ”), granting complainant’s unopposed motion for partial termination of the investigation with respect to one asserted patent claim.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, D.C. 20436, telephone 202-205-2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.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 13, 2019, based on a complaint filed on behalf of The Final Co. LLC (“Final”) of Santa Fe, New Mexico. 84 FR 61639 (Nov. 13, 2019). The complaint, as amended, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain foldable reusable drinking straws and components and accessories thereof by reason of infringement of claims 1-12, 14-17, and 20 of U.S. Patent No. 10,123,641 (“the ’641 patent”). *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission’s notice of investigation named seventeen respondents: Huizhou Sinri Technology Company Limited; Hebei Serun Import and Export Trade Co., Ltd.; Dongguan Stirling Metal Products Co., Ltd.; Ningbo Wwpartner Plastic Manufacture Co., Ltd.; Shenzhen Yuanzhen Technology Co., Ltd.; Jiangmen Boyan Houseware Co., Ltd.; Shanghai Rbin Industry And Trade Co., Ltd.; Jiangmen

Shengke Hardware Products Co., Ltd.; Funan Anze Trading Co., Ltd.; Hangzhou Keteng Trade Co., Ltd.; Shenzhen Yaya Gifts Co., Ltd.; Ningbo Beland Commodity Co., Ltd.; Xiamen One X Piece Imp.&Exp. Co., Ltd.; Hunan Champion Top Technology Co., Ltd.; Yiwu Lizhi Trading Firm; Ningbo Weixu International Trade Co., Ltd. (“Ningbo Weixu”); and Hunan Jiudi Shiye Import and Export Trading Co., Ltd. (“Hunan Jiudi”), all of China. *Id.* at 61639-40. The Office of Unfair Import Investigations (“OUII”) is also named as a party in this investigation. *Id.* at 61640.

The Commission previously terminated respondents Ningbo Weixu and Hunan Jiudi from the investigation based on Final’s partial withdrawal of the complaint. *See* Order No. 7 (Feb. 13, 2019), *unreviewed by* Comm’n Notice (Mar. 9, 2020). On March 16, 2020, the Commission found the remaining fifteen respondents in default. Order No. 8 (March 3, 2020), *unreviewed by* Comm’n Notice (March 16, 2020).

On August 17, 2020, Final filed an unopposed motion to withdraw its allegation of infringement with respect to claim 20 of the ’641 patent. On August 21, 2020, OUII filed a response in support of the motion.

On August 26, 2020, the ALJ issued the subject ID granting the motion. *See* Order No. 17 at 2 (Aug. 26, 2020). The ALJ found that the requirements of Commission Rule 210.21(a) have been met and that no extraordinary circumstances prevent granting the motion. *Id.* No petitions for review were filed.

The Commission has determined not to review the subject ID. Accordingly, this investigation is terminated with respect to claim 20 of the ’641 patent.

While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the Complainant complete service for any party without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

The Commission vote for this determination took place on September 15, 2020.

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', with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: September 15, 2020