

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN APPARATUS AND METHODS
OF OPENING CONTAINERS**

Investigation No. 337-TA-1255

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION TERMINATING THE INVESTIGATION AS TO A RESPONDENT**

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. 9) of the presiding chief administrative law judge (“CALJ”) terminating the investigation as to respondent Mintiml based on withdrawal of allegations in the complaint.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3179. 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, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: On March 18, 2021, the Commission instituted this investigation based on a complaint filed by Draft Top, LLC (“Draft Top”) of Long Beach, New Jersey. 86 FR 14765 (Mar. 18, 2021). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain apparatus and methods of opening containers by reason of infringement of claim 12 of U.S. Patent No. 10,519,016. *Id.* The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation named nine respondents: KKS Enterprises Co., Ltd. of Hangzhou, China; Kingskong Enterprises Co., Ltd. of Hangzhou, China; Du Zuojun of Shenzhen, Guangdong, China; WN Shipping USA, Inc. of Inwood, New York; Shuje Wei of Pomona, California; Express Cargo Forwarded, Ltd. of Los Angeles, California; Hou Wenzheng of Hebron, Kentucky (collectively, the “Defaulting Respondents”); Mintiml of Yangzhou,

Jiangsu, China; and Tofba International, Inc. (“Tofba”) of Hawthorne, California. *Id.* The Office of Unfair Import Investigations is also named as a party. *Id.*

On May 27, 2021, the Commission determined to terminate the investigation as to respondent Tofba based on withdrawal of the allegations in the complaint directed to Tofba. Order No. 6 (May 12, 2021), *unreviewed by* Comm’n Notice (May 27, 2021). On July 29, 2021, the Commission determined to find the Defaulting Respondents in default for failing to respond to the complaint and notice of investigation and failing to show cause why they should not be found in default. Order No. 8 (July 12, 2021), *unreviewed by* Comm’n Notice (July 30, 2021).

On July 12, 2021, Draft Top filed a motion to terminate the investigation as to Mintiml based on withdrawal of the allegations in the complaint directed to Mintiml. On July 20, 2021, OUII filed a response in support of the motion. No other responses were filed.

On August 11, 2021, the CALJ issued the subject ID granting the motion. The ID finds that “no extraordinary circumstances exist that would prevent the requested termination of this Investigation as to Respondent Mintiml” and that Draft Top “has complied with the requirements of Commission Rule 210.21(a)” (19 CFR 210.21(a)). ID at 2. No petitions for review of the subject ID were filed.

The Commission has determined not to review the subject ID. The investigation is terminated as to Mintiml.

The Commission vote for this determination took place on August 24, 2021.

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.



Lisa R. Barton
Secretary to the Commission

Issued: August 24, 2021