

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

**In the Matter of**

**CERTAIN BEVERAGE BREWING  
CAPSULES, COMPONENTS THEREOF,  
AND PRODUCTS CONTAINING THE  
SAME**

**Investigation No. 337-TA-929**

**NOTICE OF COMMISSION DECISION NOT TO REVIEW AN  
INITIAL DETERMINATION FINDING THREE RESPONDENTS IN DEFAULT**

**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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 19) finding three respondents in default.

**FOR FURTHER INFORMATION CONTACT:** Robert Needham, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5468. 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 (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://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 September 9, 2014, based on a complaint filed by Adrian Rivera of Whittier, California, and Adrian Rivera Maynez Enterprises, Inc., of Santa Fe Springs, California (together, "Complainants"). 79 *Fed. Reg.* 53445-46. The complaint, as amended and supplemented, 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, and the sale within the United States after importation of certain beverage brewing capsules, components thereof, and products containing the same that infringe certain claims of U.S. Patent No. 8,720,320. *Id.* at 53445. The Commission's notice of investigation named as respondents Solofill LLC of Houston, Texas; DonGuan Hai Rui Precision Mould Co.,

Ltd. of Dong Guan City, China; Eko Brands, LLC, of Woodinville, Washington (“Eko”); Evermuch Technology Co., Ltd., of Hong Kong, China and Ever Much Company Ltd. of Shenzhen, China (together, “Evermuch”); Melitta USA, Inc., of North Clearwater, Florida (“Melitta”); LBP Mfg., Inc. of Cicero, Illinois and LBP Packaging (Shenzhen) Co. Ltd. of Shenzhen, China (together, “LBP”); Spark Innovators, Corp., of Fairfield, New Jersey (“Spark”); B. Marlboros International Ltd. (HK) of Hong Kong, China (“B. Marlboros”); and Amazon.com, Inc. of Seattle, Washington (“Amazon”). The Office of Unfair Import Investigations was named as a party to the investigation. *Id.* The Commission previously terminated this investigation with respect to LBP, Spark, B. Marlboros, Melitta, and Amazon based on consent orders or settlement. Notice (December 18, 2014); Notice (January 13, 2015); Notice (March 27, 2015); Notice (April 10, 2015).

On October 10, 2014, Complainants moved for the ALJ to direct Eko and Evermuch to show cause why they should not be held in default for failing to respond to the amended complaint, notice of the investigation, and discovery requests. Complainants also referenced correspondence from Eko stating that it did not intend to participate in the investigation. On October 22, 2014, the Commission Investigative Attorney (“IA”) supported the motion.

On October 28, 2014, the ALJ granted the motion, and ordered Eko and Evermuch to show cause why they should not be held in default. Order No. 9. The ALJ found that that Eko and Evermuch had been properly served with the amended complaint and notice of investigation, but had failed to file a response. *Id.* The ALJ required that any response to the show cause order be filed no later than November 18, 2014. *Id.*

On March 24, 2015, Complainants moved for the ALJ to find Eko and Evermuch in default because neither party responded to the ALJ’s show cause order. On April 21, 2015, the IA stated that he did not oppose the motion. On April 22, 2015, the ALJ issued the subject ID, finding Eko and Evermuch in default. No petitions for review of the ID 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 C.F.R. Part 210).

By order of the Commission.



Lisa R. Barton  
Secretary to the Commission

Issued: May 18, 2015