

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN VACUUM INSULATED FLASKS
AND COMPONENTS THEREOF**

Investigation No. 337-TA-1216

**NOTICE OF A COMMISSION DETERMINATION GRANTING COMPLAINANTS'
MOTION TO WITHDRAW THE AMENDED COMPLAINT
AS TO UNSERVED RESPONDENTS**

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. 22) of the presiding Chief Administrative Law Judge (“CALJ”) granting complainants’ motion to withdraw the amended complaint as to respondents HydroFlaskPup of Phoenix, Arizona; Yiwu Honglu Daily Necessities Co., Ltd. of Yiwu City, Zhejiang, China; and Yiwu Houju E-commerce Firm of Yiwu City, Zhejiang Province, China (collectively, “Unserved Respondents”).

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) 205-2392. 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: On September 3, 2020, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by Steel Technology LLC d/b/a Hydro Flask and Helen of Troy Limited (collectively, “Complainants,” or “Hydro Flask”). 85 FR 55030-31 (Sept. 3, 2020). The complaint alleges a violation 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 vacuum insulated flasks and components thereof by reason of infringement of: (1) the sole claim of U.S. Design Patent Nos. D806,468; D786,012 (“the ’012 patent”) and D799,320; and (2) U.S. Trademark Registration Nos. 4,055,784; 5,295,365; 5,176,888; and 4,806,282 (“Steel Band Trademark”). The complaint also alleges the existence of a domestic industry. The notice of investigation names numerous respondents, including the Unserved Respondents. The Commission’s Office of Unfair Import Investigations (“OUII”) is also named as a party in this investigation. *Id.*

Subsequently, the Commission permitted Complainants to amend the complaint and notice of

investigation to: (1) assert the '012 patent against additional infringing products; (2) incorporate into the complaint the information and additional paragraphs included in Complainants' Supplemental Letter to the Commission of August 18, 2020; and (3) correct the corporate names of four non-appearing respondents. Order No. 12 (Nov. 6, 2020), *unreviewed by* Notice (Nov. 24, 2020); *see* 85 FR 77239-40 (Dec. 1, 2020). The Commission also terminated the investigation as to certain other respondents based on a consent order and settlement agreement, or a settlement agreement, or a consent order stipulation and consent order. Order No. 13 (Nov. 30, 2020), *unreviewed by* Notice (Dec. 21, 2020); Order No. 17 (Jan. 27, 2021), *unreviewed by* Notice (Feb. 16, 2021); Order No. 19 (Feb. 19, 2021), *unreviewed by* Notice (Mar. 12, 2021). The Commission likewise terminated the investigation with respect to the Steel Band Trademark. Order No. 16 (Jan. 11, 2021), *unreviewed by* Notice (Feb. 8, 2021). The Commission further found additional respondents in default. Order No. 21 (Mar. 22, 2021), *unreviewed by* Notice (Apr. 14, 2021).

On March 19, 2021, Complainants Hydro Flask moved to withdraw the amended complaint as to the Unserved Respondents. Hydro Flask explains that it was unable to serve the complaint and the notice of investigation on the Unserved Respondents "due to their successful attempts to obscure their identifies and avoid service." Mem. at 2. On March 26, 2021, OUII filed a response in support of the motion.

On April 7, 2021, the CALJ issued the subject ID (Order No. 22) pursuant to Commission Rule 210.21(a) (19 CFR 210.21(a)), granting the motion. The ID finds that no extraordinary circumstances exist that would prevent the requested termination of this investigation as to the Unserved Respondents. No party petitioned for review of the ID.

The Commission has determined not to review the subject ID. The investigation has been terminated as to respondents HydroFlaskPup, Yiwu Honglu Daily Necessities Co., Ltd., and Yiwu Houju E-commerce Firm.

The Commission vote for this determination took place on April 22, 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: April 22, 2021