

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

CERTAIN PUMPING BRAS

Investigation No. 337-TA-988

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN
INITIAL DETERMINATION GRANTING COMPLAINANT'S MOTION TO
TERMINATE THE INVESTIGATION AS TO RESPONDENT BUYWISH BASED ON
WITHDRAWAL OF THE COMPLAINT**

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 administrative law judge ("ALJ") granting complainant's motion to terminate the investigation as to respondent Buywish based on withdrawal of the complaint.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2392. 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 at <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 March 14, 2016, based on a complaint filed on behalf of Simple Wishes, LLC ("Simple Wishes") of Sacramento, California. 81 *Fed. Reg.* 13419-20 (March 14, 2016). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, by reason of infringement of certain claims of U.S. Patent Nos. 8,323,070 and 8,192,247. The complaint further alleges that a domestic industry exists. The Commission's notice of investigation named Buywish, TANZKY, BabyPreg, and Deal Perfect, all of China, as respondents. The Office of Unfair Import Investigations ("OUII") is also a party to the investigation.

On May 12, 2016, Simple Wishes moved for an order to show cause requiring TANZKY, BabyPreg, and Deal Perfect to demonstrate why they should not be found in default for failing to respond to the complaint and notice of investigation. In its motion, Simple Wishes declared that it intends to move for summary determination that the defaulting respondents have violated section 337, and that it intends to seek a general exclusion order. On June 22, 2016, the ALJ issued an ID (Order No. 8) finding TANZKY, BabyPreg, and Deal Perfect in default, pursuant to 19 C.F.R. §§ 210.16 and 210.17. The Commission determined not to review that ID.

On June 23, 2016, Simple Wishes filed a motion to terminate the investigation as to the last respondent, Buywish, based on withdrawal of the complaint. No party opposed the motion. On July 14, 2016, the ALJ granted the motion (Order No. 9). The ALJ determined that there is good cause for termination of the investigation as to Buywish based on withdrawal of the complaint. No petition for review has been 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: August 9, 2016