



INTERNATIONAL TRADE COMMISSION

Investigation No. 337-TA-929

Certain Beverage Brewing Capsules, Components Thereof, and Products Containing the Same; Institution of Investigation under Section 337 of the Tariff Act

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on August 4, 2014, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Adrian Rivera of Whittier, California and ARM Enterprises, Inc. of Santa Fe Springs, California. An amended complaint was filed on August 14, 2014. A supplement was filed on August 22, 2014. The amended complaint alleges violations of section 337 based upon 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 by reason of infringement of certain claims of U.S. Patent No. 8,720,320 (“the ’320 patent”). The amended complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist orders.

ADDRESSES: The amended complaint, except for any confidential information contained therein, is 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., Room 112, Washington, D.C.

20436, telephone (202) 205-2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at (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>.

FOR FURTHER INFORMATION CONTACT: The Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2560.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2014).

SUPPLEMENTARY INFORMATION:

SCOPE OF INVESTIGATION: Having considered the amended complaint, the U.S. International Trade Commission, on September 3, 2014, **ORDERED THAT** –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) 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 beverage brewing capsules, components thereof, and products containing the same by reason of infringement of one or more of claims 5-8 and 18-20 of the '320 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainants are:

Adrian Rivera
14979 Lodosa Drive
Whittier, CA 90605

Adrian Rivera Maynez Enterprises, Inc.

9737 Bell Ranch Drive

Santa Fe Springs, CA 90670

- (b) The respondents are the following entities alleged to be in violation of section 337,
and are the parties upon which the complaint is to be served:

Solofill LLC

3515 Avignon Court

Houston, TX 77802

DonGuan Hai Rui Precision Mould Co., Ltd.

No. 1 Chuangxing Road

DaNig Industry

HuMen Town, Dong Guan City

GuangDong Province, China 523000

Eko Brands, LLC

6029 238th Street SE, Suite 130

Woodinville, WA 98072

Evermuch Technology Co., Ltd.

Room 515-516, 5/F, Technology Park, 18,

On Lai Street, Shatin, New Territories

Hong Kong

Ever Much Company Ltd.

East No. 1, Pak Shek Ha Village

Fu Yong, BaoAn

Shenzhen, China 5181000

Melitta USA, Inc.

13925 58th Street

North Clearwater, FL 33760-3712

LBP Mfg. Inc.

1325 S. Cicero Avenue

Cicero, IL 60804

LBP Packaging (Shenzhen) Co. Ltd.

1 F Building A Reservoir Road No. 3 Huangpu

Shajing Office of the Streets

Baoan District Shenzhen

Guangdon China 5181000

Spark Innovators, Corp.

41 Kulick Road

Fairfield, NJ 07004

B. Marlboros International Ltd. (HK)

Unit A 12f Billion Center Tower A

No. 1 Wang Kwong Road Kowloon Bay

Hong Kong

Amazon.com, Inc.
410 Terry Avenue North
Seattle, WA 98109-5210

(c) The Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(3) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the amended complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the amended complaint and the notice of investigation. Extensions of time for submitting responses to the amended complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the amended complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the amended complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the amended complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Lisa R. Barton

Secretary to the Commission

Issued: September 4, 2014.

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