



INTERNATIONAL TRADE COMMISSION

[Inv. No. 337-TA-1434]

Certain Composite Intermediate Bulk Containers; Institution of Investigation

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 December 5, 2024, under section 337 of the Tariff Act of 1930, as amended, on behalf of Schütz Container Systems, Inc. of North Branch, New Jersey and Protechna S.A. of Fribourg, Switzerland. The complaint was supplemented on December 20, 2024. The complaint, as supplemented, 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 composite intermediate bulk containers by reason of the infringement of certain claims of U.S. Patent No. 9,718,581 (“the ’581 patent”); U.S. Patent No. 8,708,150 (“the ’150 patent”); U.S. Patent No. 8,919,562 (“the ’562 patent”); U.S. Patent No. 8,567,626 (“the ’626 patent”); U.S. Patent No. 9,004,310 (“the ’310 patent”); and U.S. Patent No. 8,276,299 (“the ’299 patent”). The complaint further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a general exclusion order, in the alternative a limited exclusion order, and cease and desist orders.

ADDRESSES: The complaint, except for any confidential information contained therein, may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. 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 <https://www.usitc.gov>.

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

SUPPLEMENTARY INFORMATION:

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2024).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on January 21, 2025 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 products identified in paragraph (2) by reason of infringement of one or more of claims 1-3 and 5 of the '581 patent; claims 1, 2, 6, and 8-10 of the '562 patent; claims 1 and 3-5 of the '299 patent; claims 1-5 of the '150 patent; claims 1-3 of the '626 patent; and claims 1-5 and 8 of the '310 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “composite intermediate bulk containers”;

(3) 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:

Schütz Container Systems, Inc.

200 Aspen Hill Rd.

North Branch, NJ 08876-5950

Protechna S.A.

Avenue De La Gare 14

CH-1701 Fribourg, Switzerland

(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:

Shandong Jinshan Jieyuan Container Co., Ltd.

69 Hengyuan Road, Dantu Industrial Park

Zhengjiang City, Jiangsu Province

China, 212000

Zibo Jielin Plastic Pipe Manufacture Co. Ltd.

No. 6, Qingtian Road

Qilu Chemical Industrial Park

Zibo City, Shandong Province

China, 255410

Shanghai Sakura Plastic Products Co., Ltd.

(d/b/a Shanghai Yinghua Plastic Products Co.,
LTD)

No. 1353, Maixin Highway, Xinqiao Town

Songjiang District, Shanghai

China, 201600

Hebei Shijiheng Plastics, Co., Ltd.

No. 5 Torch Avenue,

Sino-Europe Industrial Park of Hebei

Province, Zhongjie Huanghua City

China, 061100

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

(4) 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 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), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainants of the complaint and the notice of investigation.

Extensions of time for submitting responses to the 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 complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the 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 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.

Issued: January 21, 2025.

Susan Orndoff,

Supervisory Attorney.