

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1255]

Certain Apparatus and Methods of Opening Containers; Notice of 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 January 28, 2021, under section 337 of the Tariff Act of 1930, as amended, on behalf of Draft Top, LLC of Long Branch, New Jersey. Supplements to the complaint were filed on February 12 and 19 and March 1 and 2, 2021. 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 apparatus and methods of opening containers by reason of infringement of a claim of U.S. Patent No. 10,519,016 (“the ‘016 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, or 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 (2020).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on March 15, 2021, *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 claim 12 of the ‘016 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 “apparatus(es) and products which are used for opening canned beverage containers by removing the top of the can;”

(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 complainant is: Draft Top, LLC, 179 Riddle Avenue, Long Branch, NJ 07740.

(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:

Mintiml, Longhe Industrial Concentration Zone, Panshui Town, Yangzhou, Jiangsu 225800, China
KKS Enterprises Co., Ltd., Room 701 Xigang Xinje 7C, No. 206 Zhenhua Road, Sandun Town, Hangzhou 310030, China
Kingskong Enterprises Co., Ltd., 126 Zhaohui Rd, Hangzhou 310050, China
Du Zuojun, Level 1, Shenzhen International Airport Cargo, Shenzhen, Guangdong 510810, China
WN Shipping USA, Inc., 475 Doughty Blvd., Inwood, NY 11096
Shuje Wei, 2855 S Reservoir Drive, No. 130, Pomona, CA 91766
Express Cargo Forwarded, Ltd., 10722 S La Cienega Blvd., Los Angeles, CA 90304
Tofba International, Inc., 12833 Chadron Avenue, Hawthorne, CA 90250
Hou Wenzheng, 1200 Worldwide Blvd., Hebron, KY 41048

(c) The Office of Unfair Import Investigations, U.S. International Trade

Commission, 500 E Street SW, Suite 401, Washington, DC 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 complainant 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: March 15, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021-05639 Filed 3-17-21; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1193]

Certain Capacitive Touch-Controlled Mobile Devices, Computers, and Components Thereof; Commission Determination Not To Review an Initial Determination Terminating the Investigation as to Respondents Amazon, Apple, LG, Microsoft, Motorola, Samsung, and Sony Based on Settlement; Termination of Investigation**AGENCY:** U.S. International Trade Commission.**ACTION:** Notice.