

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20463

In the Matter of

CERTAIN ENERGY DRINK PRODUCTS

Investigation No. 337-TA-678

**NOTICE OF COMMISSION DECISION NOT TO REVIEW FOUR INITIAL
DETERMINATIONS TERMINATING INVESTIGATION AS TO CERTAIN
RESPONDENTS BASED ON SETTLEMENT AGREEMENTS**

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 four initial determinations (“ID”) (Order Nos. 24, 25, 26, and 27) issued by the presiding administrative law judge (“ALJ”) in the above-captioned investigation terminating the investigation as to respondents Wheeler Trading, Inc., Washington Food and Supply Club of D.C., Inc. d/b/a Washington Cash & Carry, India Imports, Inc., and Vending Plus, Inc. d/b/a Baltimore Beverage due to settlement.

FOR FURTHER INFORMATION CONTACT: Paul M. Bartkowski, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 708-5432. 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 June 17, 2009, based on a complaint filed by Red Bull GmbH and Red Bull North America, Inc. (“Red Bull”). 74 *Fed. Reg.* 28725 (June 17, 2009). The complaint as amended alleged violations of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain energy drink products by reason of infringement of U.S. Trademark Registration Nos. 3,092,197; 2,946,045; 2,994,429; and 3,479,607 and U.S. Copyright Registration No.

VA0001410959. The complaint initially named six respondents, and six additional respondents were subsequently added to the investigation.

Each of the four IDs terminates the investigation with respect to the respondent at issue based upon a settlement agreement, and finds that termination is in the public interest under Commission Rule 210.50(b)(2). No petitions for review were 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 sections 210.50 and 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. §§ 210.50; 210.42).

By order of the Commission.

/s/
Marilyn R. Abbott
Secretary to the Commission

Issued: January 20, 2010