

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

In the Matter of

**CERTAIN FOOD CONTAINERS, CUPS,
PLATES, CUTLERY, AND RELATED
ITEMS AND PACKAGING THEREOF**

Investigation No. 337-TA-835

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING A JOINT MOTION TO TERMINATE THE
INVESTIGATION AS TO RESPONDENT ECO GREENWARES CORPORATION
ON THE BASIS OF A SETTLEMENT AGREEMENT**

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 the presiding administrative law judge's ("ALJ") initial determination ("ID") (Order No. 9) granting a joint motion to terminate the above-captioned investigation as to Respondent Eco Greenwares Corporation of Fremont, California ("Eco Greenwares") on the basis of a settlement agreement.

FOR FURTHER INFORMATION CONTACT: Michael K. Haldenstein, Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3041. 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 April 6, 2012, based on a complaint filed by Fabri-Kal Corporation of Kalamazoo, Michigan ("Fabri-Kal"). 77 *Fed. Reg.* 20846 (April 6, 2012). The complaint, as supplemented, alleged 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 food containers,

cups, plates, cutlery, and related items and packaging thereof by reason of infringement of U.S. Trademark Registration No. 3,021,945. The complaint further alleged that an industry in the United States exists as required by subsection (a)(2) of section 337. The complainant requested that the Commission institute an investigation and, after the investigation, issue an exclusion order and cease and desist orders. The complaint named the following companies as respondents: Green Wave International Inc., Brooklyn, NY; Trans World International (New York), Inc., Brooklyn, NY; John Calarese & Co., Inc., Medway, MA; and Eco Greenwares, Fremont, CA.

On June 7, 2012, Fabri-Kal and Eco Greenwares filed a joint motion to terminate the investigation as to Eco Greenwares on the basis of a settlement agreement. No oppositions to the motion were filed.

On June 19, 2012, the ALJ issued the subject ID, granting the joint motion to terminate Eco Greenwares from the investigation. The ALJ found that the settlement agreement complies with the requirements of Commission Rule 210.21(b) (19 C.F.R. § 210.21(b)) and that terminating Eco Greenwares from the investigation would not be contrary to the public interest. None of the parties petitioned for review of the ID.

The Commission has determined not to review the ID. Accordingly, this investigation is terminated as to Eco Greenwares.

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 section 210.42 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.42).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', written in a cursive style.

Lisa R. Barton
Acting Secretary to the Commission

Issued: July 16, 2012