

factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules with respect to filing were revised effective July 25, 2014. See 79 FR 35920 (June 25, 2014). The Commission's *Handbook on Filing Procedures*, available on the Commission's website at https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf, elaborates upon the Commission's procedures with respect to filings.

In accordance with sections 201.16(c) and 207.3 of the rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: May 12, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–10479 Filed 5–14–20; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–644 and 731–TA–1494 (Preliminary)]

Non-Refillable Steel Cylinders From China; Determinations

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of non-refillable steel cylinders from China, provided for in subheadings 7310.29.00 and 7311.00.00 of the

¹ The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (“LTFV”) and to be subsidized by the government of China.²

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (“Commerce”) of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

On March 27, 2020, Worthington Industries, Columbus, Ohio, filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized and LTFV imports of non-refillable steel cylinders from China. Accordingly, effective March 27, 2020, the Commission instituted countervailing duty investigation No. 701–TA–644 and antidumping duty investigation No. 731–TA–1494 (Preliminary).

Notice of the institution of the Commission's investigations and of a conference through written testimony to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of April 2, 2020 (85 FR 18587). In light of the

² 85 FR 22402 and 85 FR 22407 (April 22, 2020).

restrictions on access to the Commission building due to the COVID–19 pandemic, the Commission conducted its conference through written questions, submissions of opening remarks and written testimony, written responses to questions, and postconference briefs. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to sections 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on May 11, 2020. The views of the Commission are contained in USITC Publication 5057 (May 2020), entitled *Non-Refillable Steel Cylinders from China: Investigation Nos. 701–TA–644 and 731–TA–1494 (Preliminary)*.

By order of the Commission.

Issued: May 11, 2020.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2020–10420 Filed 5–14–20; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1154]

Certain Child Carriers and Components Thereof Commission Determination To Review in Part a Final Initial Determination Finding No Violation of Section 337; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined to review in part, and on review, to affirm, the final initial determination (“FID”) of the administrative law judge (“ALJ”) finding no violation of section 337 of the Tariff Act of 1930, as amended (“section 337”), in connection with the asserted patent. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3228. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General

information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone 202-205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on April 10, 2019, based on a complaint filed by LILLEbaby LLC of Golden, Colorado ("LILLEbaby"). 84 FR 14393-94 (April 10, 2019). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), in the importation into the United States, in the sale for importation, or the sale within the United States after importation of certain child carriers and components thereof, by reason of the infringement of certain claims of U.S. Patent Nos. 8,172,116 ("the '116 patent") and 8,424,732 ("the '732 patent"). *Id.* The notice of investigation names twenty-seven respondents, including The Ergo Baby Carrier Inc. of Los Angeles, CA ("Ergo"); Blue Box OpCo LLC d/b/a Infantino of San Diego, CA ("Infantino"); Baby Tula LLC a/k/a New Baby Tula LLC of San Diego, CA ("Baby Tula"); BabyBjorn AB of Lanna, Sweden and BabyBjorn Inc. of New York, NY; BabySwede LLC of Cleveland, OH; Boba Inc. d/b/a Beco Baby Carrier of Boulder, CO; ByKay BV of Wijchen, The Netherlands ("ByKay"); Artsana USA, Inc. f/k/a Chicco USA Inc. of Lancaster, PA; Cybex GmbH of Bayreuth, Germany; Columbus Trading Partners USA, Inc. of Boston, MA; Jonobaby Babytragen of Potsdam, Germany ("Jonobaby"); Mountain Buggy USA a/k/a Phil & Teds USA Inc. of Fort Collins, CO; Stokke AS of Alesund, Norway and Stokke LLC of Stamford, CT; Quanzhou Mingrui Bags Co. Ltd. of Quanzhou, China ("Mingrui"); Britax Child Safety, Inc. of Fort Mill, SC; and Wuxi Kangarouse Trading Co. Ltd. Enterprises d/b/a Kangarouse of Wuxi, China; Kokadi GmbH & Co. KG of Munich, Germany; Minimonkey BV of Amsterdam, The Netherlands; Soul US Inc. of Bangalore, India; Isara, Deneris Trade SRL of Floresti, Romania; Lenny Lamb Sp. Zo.o. Sp. K of Warsaw, Poland; L'Echarpe Porte Bonheur, Inc. d/b/a Chimparoo of Boucherville, Canada; Tingtao Sunveno Co., Ltd. of Shandong, China; Jing Jiang Dimarco Packaging & Gifts Co. of Jingjiang Jiangsu, China; and Jiangsu Matrix Textile Co., Ltd. of Jingjiang, Jiangsu, China (collectively, "Defaulting Respondents"). *Id.* The Office of Unfair Import Investigations ("OUII") is also named as a party. *Id.*

The Commission terminated eleven participating respondents from the investigation based upon settlement or consent order. Order No. 12 (May 30, 2019), *not rev'd*, Notice (June 18, 2019); Order No. 17 (July 18, 2019), *not rev'd*, Notice (Aug. 12, 2019); Order No. 18 (July 18, 2019), *not rev'd*, Notice (Aug. 12, 2019); Order No. 21 (Aug. 13, 2019), *not rev'd*, Notice (Sept. 13, 2019); Order No. 22 (Aug. 23, 2019), *not rev'd*, Notice (Sept. 17, 2019); Order No. 23 (Aug. 29, 2019), *not rev'd*, Notice (Sept. 17, 2019); Order No. 25 (Sept. 6, 2019), *not rev'd*, Notice (Oct. 1, 2019); Order No. 33 (Nov. 9, 2019), *not rev'd*, Notice (Dec. 18, 2019). The Commission found ten non-participating Defaulting Respondents in default. Order No. 38 (Dec. 3, 2019), *not rev'd*, Notice (Dec. 20, 2019). For one non-participating respondent, Mingrui, the ALJ denied LILLEbaby's motion to show cause as to why that respondent should not be held in default due to LILLEbaby's failure to show adequate service. Order No. 29 (Oct. 28, 2019).

On January 30, 2020, LILLEbaby filed a motion to terminate respondents Jonobaby and ByKay on the basis of settlement. The subject FID grants the pending motion. *See* FID. The remaining respondents are Baby Tula, Ergo, Infantino (collectively, "Active Respondents"), and Mingrui.

The Commission terminated the '732 patent from the investigation as to all respondents based on LILLEbaby's partial withdrawal of the complaint. Order No. 39 (Dec. 4, 2019), *not rev'd*, Notice (Dec. 20, 2019). The Commission also terminated claims 1, 2, 5-7, 9, 11, 14-16, 19, 20, 23, 24, and 25 of the '116 patent as to all respondents based on LILLEbaby's partial withdrawal of the complaint. Order No. 31 (Nov. 12, 2019), *not rev'd*, Notice (Dec. 10, 2019); Order No. 41 (Dec. 18, 2019), *not rev'd*, Notice (Jan. 16, 2020). Claim 18 of the, '116 patent remains at issue.

On November 6, 2019, Active Respondents filed a motion to terminate the investigation for alleged lack of standing by LILLEbaby.

On March 10, 2020, the ALJ issued the subject FID finding no violation of section 337 with respect to the '116 patent. *See* FID. The subject FID denies Active Respondents' motion to terminate for alleged lack of standing. *See id.* at 28. The subject FID also includes the ALJ's recommendations that, if a violation was found, then the Commission should issue a limited exclusion order and cease and desist orders as to Active Respondents.

On March 23, 2020, Active Respondents filed a contingent petition

for review of the FID. On March 31, 2020, OUII filed a response to Active Respondents' petition. LILLEbaby did not file a petition for review or a response to Respondents' petition, thus abandoning all issues decided adversely to it. *See* 19 CFR 210.43(b)(4).

Having reviewed the record of this investigation, including the FID and Respondents' contingent petition, the Commission has determined to review the FID in part. Specifically, the Commission has determined to review and, on review, take no position regarding the FID's finding that claim 18 of the '116 patent is not obvious based on the prior art Hibiscus Carrier (RPX-0006) alone or in combination with the prior art Pikkolo Carrier (RPX-0005) or U.S. Patent Publ. No. 2005/0051582 (RX-0368) to Frost. The Commission has also determined to review, and on review, take no position on the FID's findings that claim 18 of the '116 patent is unenforceable for inequitable conduct during prosecution of the patent application. Further, the Commission has determined to review, and on review, take no position on the FID's findings that LILLEbaby has satisfied the economic prong of the domestic industry requirement with respect to the '116 patent under subsections 337(a)(3)(B) and (C) (19 U.S.C. 1337(a)(3)(B), (C)). The Commission has determined not to review the remainder of the FID.

Accordingly, the Commission finds no violation of section 337 based on the FID's findings that Active Respondents do not infringe claim 18 of the '116 patent, and claim 18 of the '116 patent is invalid as anticipated by and obvious in view of U.S. Patent No. 4,986,458 to Lindsay.

The investigation is terminated.

The Commission vote for these determinations took place on May 11, 2020.

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 Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: May 11, 2020.

Lisa Barton,

Secretary to the Commission.

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