

UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C.

**In the Matter of**

**CERTAIN INSULATED BEVERAGE  
CONTAINERS, COMPONENTS, LABELS, AND  
PACKAGING MATERIALS THEREOF**

**Inv. No. 337-TA-1084**

**ORDER DENYING REQUESTS FOR ENTRY INTO EARLY DISPOSITION PILOT  
PROGRAM**

On October 12, 2017, Proposed Respondents Alibaba Group Holding Limited; Alibaba (China) Technology Co., Ltd.; Alibaba.com Hong Kong Limited; Alibaba.com Singapore E-Commerce Private Limited; and Hangzhou Alibaba Advertising Co., Ltd. (collectively “Alibaba”) submitted a letter (“Alibaba Request”) requesting that the Commission decline to institute an investigation, or alternatively utilize the Early Disposition Pilot Program to determine whether jurisdiction over Alibaba exists. *See* Alibaba Request, EDIS Doc. ID 625555. On October 18, 2017, Proposed Respondent ContextLogic, Inc. (“ContextLogic”) submitted a letter (“ContextLogic Request”) similarly requesting that the Commission decline to institute an investigation, or alternatively utilize the Early Disposition Pilot Program to determine whether jurisdiction over ContextLogic exists. *See* ContextLogic Request, EDIS Doc. ID 626001. In Alibaba’s and ContextLogic’s views, jurisdiction does not exist over Alibaba and ContextLogic because they are Internet-based marketplaces, and they do not themselves import or sell the products the Complainant, YETI Coolers, LLC, accuses of infringement or unfair competition. *See* Alibaba Request at pp. 2-5; ContextLogic Request at pp. 2-5.

On October 27, 2017, Complainant filed a letter opposing the Alibaba and ContextLogic Requests (“Complainant’s Response”). *See* Complainant’s Response, EDIS Doc ID 627034.

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Complainant responds that jurisdiction over Alibaba and ContextLogic exists at least because a nexus exists between the actions of Alibaba and ContextLogic and the importation and sale of the accused products, and that Alibaba and ContextLogic are sufficiently involved in the importation and sale of the accused products. *See id.* at pp. 8-10.

The Commission has determined not to use the Early Disposition Pilot Program for this investigation. Given the existence of other respondents, the issues raised are not likely to be dispositive of the entire investigation. In addition, use of the Early Disposition Program here would unduly delay resolution of the entire investigation.

Accordingly, the Commission hereby **DENIES** the Request.

The Secretary shall serve copies of this Order upon each party of record in this investigation.

By order of the Commission.



Lisa R. Barton  
Secretary to the Commission

Issued: November 17, 2017

**CERTAIN INSULATED BEVERAGE CONTAINERS,  
COMPONENTS, LABELS, AND PACKAGING MATERIALS  
THEREOF**

**Inv. No. 337-TA-1084**

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Attorney, **Vu Bui, Esq.**, and the following parties as indicated, on 11/17/2017



Lisa R. Barton, Secretary  
U.S. International Trade Commission  
500 E Street, SW, Room 112  
Washington, DC 20436

**On Behalf of Complainants YETI Coolers, LLC:**

John R. Fuisz, Esq.  
VINSON & ELKINS LLP  
2200 Pennsylvania Avenue, NW, Suite 500 wEST  
Washington, DC 20037

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

**Respondents:**

Alibaba (China) Technology Co., Ltd.  
26/F Tower One, Times Square  
1 Matheson Street, Causeway Bay  
Hong Kong

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

Alibaba Group Holding Limited  
c/o Alibaba Group Services Limited  
26/F Tower One, Times Square  
1 Matheson Street, Causeway Bay  
Hong Kong

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

Alibaba.com Hong Kong Limited  
26/F Tower One, Times Square  
1 Matheson Street, Causeway Bay  
Hong Kong

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

**CERTAIN INSULATED BEVERAGE CONTAINERS,  
COMPONENTS, LABELS, AND PACKAGING  
MATERIALS THEROF**

Inv. No. 337-TA-1084

Certificate of Service – Page 2

Alibaba.com Singapore E-Commerce Private Limited  
26/F Tower One, Times Square  
1 Matheson Street, Causeway Bay  
Hong Kong

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

Bonanza.com, Inc.  
3131 Western Ave, Suite 428  
Seattle, WA 98121

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

ContextLogic, Inc. d/b/a/ Wish  
1 Sansome Street, 40<sup>th</sup> Floor  
San Francisco, CA 94104

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

Dunhuang Group  
6F Dimeng Commercial Building, No. 3-2 Hua Yuan Road  
Haidian District, Beijing 100191  
China

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

Hangzhou Alibaba Advertising Co., Ltd.  
26/F Tower One, Times Square  
1 Matheson Street, Causeway Bay  
Hong Kong

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

Huizhou Dashu Trading Co., Ltd. 2001 Unit 2, #203 Building,  
Jinshanhu Garden, Huanhu Third Road, Huicheng District  
Huizhou City, Guangdong Province  
China

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

Huagong Trading Co., Ltd.  
WANGSHIZHUANG, QINGHE County,  
Hebei, QINGH  
Hebei, China

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

Tan Er Pa Technology Co., Ltd.  
Floor 9 10, No. 29 Qianlu, Manfeng Village Shajing  
Kwai Chung N. T.  
Hong Kong

- Via Hand Delivery  
 Via Express Delivery  
 Via First Class Mail  
 Other: \_\_\_\_\_

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Certificate of Service – Page 3

Shenzhen Great Electronic Technology Co., Ltd.  
Room 3108A, Modern International  
Jintian Rd, Futian District, Shenzhen,  
China 518000

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: \_\_\_\_\_

SZ Flowerfairy Technology Ltd.  
115 Room, No. 12, Building Pinshangyuan  
Xixiang Street, Baoan District, Shenzhen  
China

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: \_\_\_\_\_