

**UNITED STATES INTERNATIONAL TRADE COMMISSION  
Washington, D.C. 20436**

**In the Matter of**

**CERTAIN ENERGY DRINK PRODUCTS**

**Inv. No. 337-TA-678**

**NOTICE OF INVESTIGATION**

**AGENCY:** U.S. International Trade Commission

**ACTION:** Institution of investigation pursuant to 19 U.S.C. § 1337

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 15, 2009, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, on behalf of Red Bull GmbH of Austria and Red Bull North America, Inc. of Santa Monica, California. The complainants filed a letter supplementing the complaint on June 1, 2009. The complaint 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 energy drink products that infringe 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 further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainants request that the Commission institute an investigation and, after the investigation, issue a general exclusion order and cease and desist orders.

**ADDRESSES:** The complaint and supplement, except for any confidential information contained therein, are 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., Room 112, Washington, D.C. 20436, telephone 202-205-2000. 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 <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>.

OFFICE OF THE SECRETARY  
U.S. INTERNATIONAL TRADE COMMISSION  
2009 JUN 12 11:09 AM

**FOR FURTHER INFORMATION CONTACT:** Juan Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205-2572.

**AUTHORITY:** The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.10 (2009).

**SCOPE OF INVESTIGATION:** Having considered the complaint, the U.S. International Trade Commission, on June 11, 2009, ORDERED THAT –

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine:

(a) 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 energy drink products by reason of infringement of U.S. Copyright Registration No. VA0001410959, and whether an industry in the United States exists as required by subsection (a)(2) of section 337; and

(b) whether there is a violation of subsection (a)(1)(C) 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 energy drink products by reason of infringement of U.S. Trademark Registration Nos. 3,092,197; 2,946,045; 2,994,429; or 3,479,607, and whether an industry in the United States exists as required by subsection (a)(2) of section 337; and

(2) 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 complainants are –

Red Bull GmbH  
Am Brunnen 1  
Fuschl am See  
5330 Austria

Red Bull North America, Inc.  
1740 Stewart Street  
Santa Monica, CA 90404

(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:

Chicago Import Inc.  
3801-11 West Laurence Avenue  
Chicago, IL 60625

Lamont Dist., Inc.,  
a/k/a Lamont Distributors Inc.  
5 Lamont Court Suite 3A  
Brooklyn, NY 11225

India Imports, Inc.,  
a/k/a International Wholesale Club  
2901 Richland Avenue  
Metairie, LA 70002

Washington Food and Supply of D.C., Inc.,  
a/k/a Washington Cash & Carry  
1270 4<sup>th</sup> Street NE  
Washington, DC 20002

Vending Plus, Inc.  
2409 Peppermill Drive, Unit J  
Glen Burnie, MD 21061

Baltimore Beverage Co.  
2409 Peppermill Drive., Unit J  
Glen Burnie, MD 21061

(c) The Commission investigative attorney, party to this investigation, is Juan Cockburn, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, S.W., Suite 401, Washington, D.C. 20436; and

(3) For the investigation so instituted, Paul J. Luckern, 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 C.F.R. § 210.13. Pursuant to 19 C.F.R. §§ 201.16(d) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission 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.

A handwritten signature in black ink, appearing to read "Marilyn R. Abbott". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Marilyn R. Abbott  
Secretary to the Commission

Issued: June 12, 2009

CERTIFICATE OF SERVICE

I, Marilyn R. Abbott, hereby certify that the attached has been served by hand upon the Commission Investigative Attorney, Juan Cockburn, Esq., and the following parties as indicated, on June 12, 2009

*Marilyn R. Abbott*  
Marilyn R. Abbott, Secretary *Me*  
U.S. International Trade Commission  
500 E Street, SW  
Washington, DC 20436

**COMPLAINANTS:**

Red Bull GmbH  
Am Brunnen 1  
Fuschl am See  
5330 Austria

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

Red Bull North America, Inc.  
1740 Stewart Street  
Santa Monica, CA 90404

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

**COUNSEL FOR COMPLAINANTS:**

Raymond A. Kurz, Esq.  
**HOGAN & HARTSON LLP**  
Columbia Square  
555 Thirteenth Street, NW  
Washington, DC 20004-1109

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

**RESPONDENTS:**

Chicago Import Inc.  
3801-11 West Laurence Avenue  
Chicago, IL 60625

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

Lamont Dist. Inc. a/k/a  
Lamont Distributors Inc.  
5 Lamont Court Suite 3A  
Brooklyn, NY 11225

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

India Imports, Inc . a/d/a  
International Wholesale Club  
2901 Richland Avenue  
Metairie, LA 70002

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

Washington Food and Supply of DC, Inc.  
a/k/a Washington Cash & Carry  
1270 4<sup>th</sup> Street SE  
Washington, DC 20002

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

Vending Plus, Inc.  
2409 Peppermill Dr., Unit J  
Glen Burnie, MD 21061

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

Baltimore Beverage Co.  
2409 Peppermill Dr., Unit J  
Glen Burnie, MD 21061

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

**GOVERNMENT AGENCIES:**

Edward T. Hand, Chief  
Foreign Commerce Section  
Antitrust Division  
U.S. Department of Justice  
450 5<sup>th</sup> Street NW – Room 11000  
Washington, DC 20530  
P-202-514-2464

~~V~~ia Hand Delivery  
 ~~V~~ia Overnight Mail  
 Via First Class Mail  
 Other: \_\_\_\_\_

U.S. Bureau of Customs and Border Protection  
Intellectual Property Rights Branch  
Mint Annex Building  
799 9<sup>th</sup> Street, NW -7<sup>th</sup> floor  
Washington, DC 20229-1177  
202-325-0100

~~V~~ia Hand Delivery  
 ~~V~~ia Overnight Mail  
 Via First Class Mail  
 Other: \_\_\_\_\_

Elizabeth Kraus, Deputy Director  
International Antitrust, Office of  
International Affairs  
Federal Trade Commission  
600 Pennsylvania Avenue, Room 498  
Washington, DC 20580  
P-202-326-2649

~~V~~ia Hand Delivery  
 ~~V~~ia Overnight Mail  
 Via First Class Mail  
 Other: \_\_\_\_\_

Richard Lambert, Esq.  
Office of Technology Development Services  
Dept. of Health & Human Services  
National Institutes of Health  
6610 Rockledge Drive - Room 2800  
MSC 6606  
Bethesda, MD 20892  
P-301-496-2644

~~V~~ia Hand Delivery  
 ~~V~~ia Overnight Mail  
 Via First Class Mail  
 Other: \_\_\_\_\_



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

June 12, 2009


Red Bull GmbH  
Am Brunnen 1  
Fuschl am See  
5330 Austria

**Re: Certain Energy Drink Products  
Inv. No. 337-TA-678**

Dear Sir/Madam:

This letter is to advise you that the U.S. International Trade Commission has instituted an investigation pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). A copy of the Commission's notice of investigation is enclosed.

Sincerely,

  
Marilyn R. Abbott  
Secretary

Enclosure:

1. Notice of Investigation



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

June 12, 2009

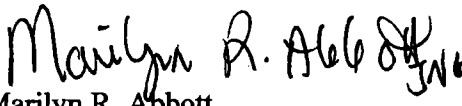
Red Bull North America, Inc.  
1740 Stewart Street  
Santa Monica, California 90404

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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

June 12, 2009

Edward T. Hand, Chief  
Foreign Commerce Section  
Antitrust Division  
U.S. Department of Justice  
450 5th Street, NW-Room 11000  
Washington, DC 20530

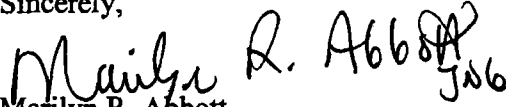
**Re: Certain Energy Drink Products  
Inv. No. 337-TA-678**

Dear Mr. Hand:

The Commission has instituted an investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. '337). A copy of the notice of investigation is enclosed. Non-confidential copies of the complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Marilyn R. Abbott, Secretary at (202) 205-1802.

If you have questions concerning this investigation, please contact the Commission investigative attorney whose name and telephone number appear in the enclosed notice.

Sincerely,

  
Marilyn R. Abbott  
Secretary

Enclosure:

1. Notice of Investigation



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

June 12, 2009

Elizabeth Kraus, Deputy Director  
International Antitrust  
Office of International Affairs  
Federal Trade Commission  
600 Pennsylvania Avenue, Room 498  
Washington, DC 20580


**Re: Certain Energy Drink Products  
Inv. No. 337-TA-678**

Dear Ms. Kraus:

The Commission has instituted an investigation under section 337 of the Tariff Act of 1930 (19 U.S.C. '337). A copy of the notice of investigation is enclosed. Non-confidential copies of the complaint and any supplements filed in the investigation will be provided upon request. Requests should be directed to Marilyn R. Abbott, Secretary at (202) 205-1802.

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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

June 12, 2009

U.S. Bureau of Customs and Border Protection  
Intellectual Property Rights Branch  
Mint Annex Building  
799 9<sup>th</sup> Street, NW -7<sup>th</sup> floor  
Washington, DC 20229-1177

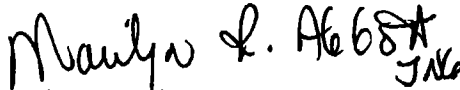
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Secretary

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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

June 12, 2009

Richard Lambert  
Office of Technology Development Services  
Department of Health & Human Services  
National Institute of Health  
6610 Rockledge Drive-Room 2800  
MSC 6606  
Bethesda, MD 20892

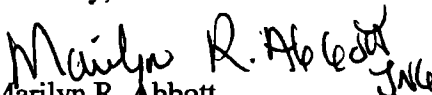
**Re: Certain Energy Drink Products  
Inv. No. 337-TA-678**

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**UNITED STATES INTERNATIONAL TRADE COMMISSION**

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WASHINGTON, DC 20436

June 12, 2009

Chicago Import Inc.  
3801-11 West Laurence Ave.  
Chicago, IL 60625

**Re: Certain Energy Drink Products  
Inv. No. 337-TA-678**

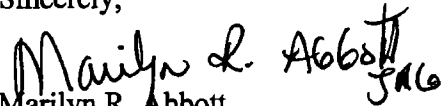
Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation under Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337). **Chicago Import Inc.** is a named respondent in this investigation.

We are hereby serving you with a copy of the complaint filed and the notice of investigation issued in this matter. Enclosed is a copy of the Code of Federal Regulations.

Please note that the notice requires a response to the allegations in the complaint and the response must be received not later than twenty (20) days after the date of service of the complaint. Failure to file a response may result in inferences being drawn against your interests.

Sincerely,

  
Marilyn R. Abbott  
Secretary

Enclosures:

1. Complaint
2. Notice of Investigation
3. Code of Federal Regulations



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

June 12, 2009

Lamont Dist., Inc. a/k/a  
Lamont Distributors Inc.  
5 Lamont Court Suite 3A  
Brooklyn, NY 11225

**Re: Certain Energy Drink Products  
Inv. No. 337-TA-678**

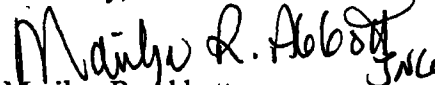
Dear Sir/Madam:

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We are hereby serving you with a copy of the complaint filed and the notice of investigation issued in this matter. Enclosed is a copy of the Code of Federal Regulations.

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Marilyn R. Abbott  
Secretary

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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

June 12, 2009

India Imports, Inc., a/k/a  
International Wholesale Club  
2901 Richland Ave.  
Metairie, LA 70002

**Re: Certain Energy Drink Products  
Inv. No. 337-TA-678**


Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation under Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337). **India Imports, Inc., a/k/a International Wholesale Club** is a named respondent in this investigation.

We are hereby serving you with a copy of the complaint filed and the notice of investigation issued in this matter. Enclosed is a copy of the Code of Federal Regulations.

Please note that the notice requires a response to the allegations in the complaint and the response must be received not later than twenty (20) days after the date of service of the complaint. Failure to file a response may result in inferences being drawn against your interests.

Sincerely,

  
Marilyn R. Abbott  
Secretary

Enclosures:

1. Complaint
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3. Code of Federal Regulations



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

June 12, 2009

Washington Food and Supply of D.C., Inc.  
a/k/a Washington Cash & Carry  
1270 4<sup>th</sup> Street NE  
Washington, DC 20002

**Re: Certain Energy Drink Products  
Inv. No. 337-TA-678**

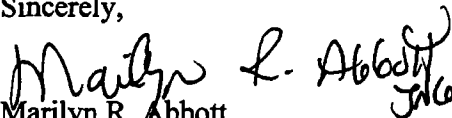
Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation under Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337). **Washington Food and Supply of D.C., Inc., a/k/a Washington Cash & Carry** is a named respondent in this investigation.

We are hereby serving you with a copy of the complaint filed and the notice of investigation issued in this matter. Enclosed is a copy of the Code of Federal Regulations.

Please note that the notice requires a response to the allegations in the complaint and the response must be received not later than twenty (20) days after the date of service of the complaint. Failure to file a response may result in inferences being drawn against your interests.

Sincerely,

  
Marilyn R. Abbott  
Secretary

Enclosures:

1. Complaint
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3. Code of Federal Regulations



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UNITED STATES INTERNATIONAL TRADE COMMISSION

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WASHINGTON, DC 20436

June 12, 2009

Vending Plus, Inc.  
2409 Peppermill Dr., Unit J  
Glen Burnie, MD 21061

**Re: Certain Energy Drink Products  
Inv. No. 337-TA-678**

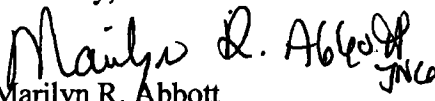
Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation under Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337). **Vending Plus, Inc.** is a named respondent in this investigation.

We are hereby serving you with a copy of the complaint filed and the notice of investigation issued in this matter. Enclosed is a copy of the Code of Federal Regulations.

Please note that the notice requires a response to the allegations in the complaint and the response must be received not later than twenty (20) days after the date of service of the complaint. Failure to file a response may result in inferences being drawn against your interests.

Sincerely,

  
Marilyn R. Abbott  
Secretary

Enclosures:

1. Complaint
2. Notice of Investigation
3. Code of Federal Regulations



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**UNITED STATES INTERNATIONAL TRADE COMMISSION**

---

WASHINGTON, DC 20436

June 12, 2009

Baltimore Beverage Co.  
2409 Peppermill Dr., Unit J  
Glen Burnie, MD 21061

**Re: Certain Energy Drink Products  
Inv. No. 337-TA-678**


Dear Sir/Madam:

This letter is to advise you that the United States International Trade Commission has instituted an investigation under Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337). **Baltimore Beverage Co.** is a named respondent in this investigation.

We are hereby serving you with a copy of the complaint filed and the notice of investigation issued in this matter. Enclosed is a copy of the Code of Federal Regulations.

Please note that the notice requires a response to the allegations in the complaint and the response must be received not later than twenty (20) days after the date of service of the complaint. Failure to file a response may result in inferences being drawn against your interests.

Sincerely,

  
Marilyn R. Abbott  
Secretary

Enclosures:

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