In the Matter of

CERTAIN MOUNTING APPARATUSES FOR HOLDING PORTABLE ELECTRONIC DEVICES AND COMPONENTS THEREOF

GENERAL EXCLUSION ORDER

The Commission has determined that there is a violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), in the unlawful importation and sale of certain mounting apparatuses for holding portable electronic devices and components thereof that infringe one or more of claim 1 of U.S. Patent No. 8,544,161 ("the '161 patent"); the claim of U.S. Design Patent No. D703,657 ("the D'657 patent"); claim 1 of U.S. Patent No. 8,186,636 ("the '636 patent"); the claim of U.S. Design Patent No. D574,204 ("the D'204 patent"); claim 1 of U.S. Patent No. 9,568,148 ("the '148 Patent"); and U.S. Trademark Reg. No. 4,254,086 ("the '086 trademark") ("covered articles").

Having reviewed the record of this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined, pursuant to 19 U.S.C. § 1337(d)(2), that a general exclusion from entry for consumption is necessary (1) to prevent circumvention of an exclusion order limited to products of named persons and (2) because there is a pattern of violation of Section 337 and it is difficult to identify the source of infringing products. Accordingly, the Commission has determined to issue a general exclusion order prohibiting the
unlicensed importation of infringing mounting apparatuses for holding portable electronic devices and components thereof.

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(d)(1) do not preclude the issuance of the general exclusion order, and that the bond during the Presidential review period shall be in the amount of one hundred percent (100%) of the entered value for all infringing products in question.

Accordingly, the Commission ORDERS that:

1. Mounting apparatuses for holding portable electronic devices and components thereof that infringe one or more of claim 1 of the '161 patent; the claim of the D’657 patent; claim 1 of the '636 patent; the claim of the D’204 patent; claim 1 of the '148 patent are excluded from entry for consumption into the United States, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, for the remaining terms of the patents, except under license of the patent owner or as provided by law.

2. Mounting apparatuses for holding portable electronic devices and components thereof that infringe the '086 trademark are excluded from entry for consumption into the United States, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, except under license from, or with permission provided in writing from, the trademark owner or as provided by law, until such date as the trademark is abandoned, canceled, or rendered invalid or unenforceable.

3. The relevant trademark registration is attached as Exhibit 1. For the purpose of assisting U.S. Customs and Border Protection (“CBP”) in the enforcement of this
Order, and without in any way limiting the scope of the Order, the Commission has attached to this Order as Exhibit 2 a copy of a photograph provided to the Commission by Complainant National Products, Inc. ("NPI") of an exemplary mounting apparatus for holding portable electronic devices and components thereof having the protected trademark.

4. Notwithstanding paragraphs 1-2 of this Order, the aforesaid mounting apparatuses for holding portable electronic devices and components thereof are entitled to entry for consumption into the United States, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption under bond in the amount of one hundred percent (100%) of the entered value of the products, pursuant to subsection (j) of Section 337, 19 U.S.C. § 1337(j), and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 Fed. Reg. 43251), from the day after this Order is received by the United States Trade Representative until such time as the United States Trade Representative notifies the Commission that this Order is approved or disapproved but, in any event, not later than sixty (60) days after the date of receipt of this Order. All entries of covered articles made pursuant to this paragraph are to be reported to CBP, in advance of the date of the entry, pursuant to procedures CBP establishes.

5. This Order does not exempt infringing articles from seizures under the trademark laws enforced by CBP, most notably 19 U.S.C. § 1526(e) and 19 U.S.C. § 1595a(c)(2)(C) in connection with 15 U.S.C. § 1124.

6. At the discretion of CBP and pursuant to procedures that it establishes, persons seeking to import mounting apparatuses for holding portable electronic devices
and components thereof that are potentially subject to this Order may be required
to certify that they are familiar with the terms of this Order, that they have made
appropriate inquiry, and thereupon state that, to the best of their knowledge and
belief, the products being imported are not excluded from entry under paragraphs
1-2 of this Order. At its discretion, CBP may require persons who have provided
the certification described in this paragraph to furnish such records or analyses as
are necessary to substantiate the certification.

7. Per 19 U.S.C. § 1337(l), this Order shall not apply to mounting apparatuses for
holding portable electronic devices and components thereof imported by and for
the use of the United States, or imported for, and to be used for, the United States
with the authorization or consent of the Government.

8. Complainant NPI shall file a written statement with the Commission, made under
oath, each year on the anniversary of the issuance of this Order stating whether
NPI continues to use the '086 trademark in commerce in the United States in
connection with mounting apparatuses for holding portable electronic devices and
components thereof and whether the '086 trademark has been abandoned,
canceled, or rendered invalid or unenforceable.

9. The Commission may modify this Order in accordance with the procedures
described in section 210.76 of the Commission’s Rules of Practice and Procedure
(19 C.F.R. § 210.76).

10. The Commission Secretary shall serve copies of this Order upon each party of
record in this investigation and upon CBP.
11. Notice of this Order shall be published in the Federal Register.

By order of the Commission.

Issued: June 17, 2019

Lisa R. Barton
Secretary to the Commission
EXHIBIT 1
TO GEO
THE ATTACHED U.S. TRADEMARK REGISTRATION 4,254,086 IS CERTIFIED TO BE A TRUE COPY OF THE REGISTRATION ISSUED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE WHICH REGISTRATION IS IN FULL FORCE AND EFFECT.

REGISTERED FOR A TERM OF 10 YEARS FROM December 04, 2012
SAID RECORDS SHOW TITLE TO BE IN: Registrant

By Authority of the
Under Secretary of Commerce for Intellectual Property
and Director of the United States Patent and Trademark Office

M. TARVER
Certifying Officer
Reg. No. 4,254,086
NATIONAL PRODUCTS, INC. (WASHINGTON CORPORATION)
8410 DALLAS AVE. S.
SEATTLE, WA 98108
Registered Dec. 4, 2012
Int. Cls.: 6 and 12
FOR: METAL UNIVERSAL MOUNTS COMPRISING A BASE, ARMS WITH SOCKETS, BALLS, BOLTS AND TIGHTENERS, TO BE USED WITH A VARIETY OF CUSTOM COMPONENTS TO MOUNT A WIDE VARIETY OF ITEMS, NAMELY, ELECTRONIC DEVICES AND SPORTING EQUIPMENT; PARTS FOR THE AFOREMENTIONED GOODS, NAMELY, DOUBLE-SOCKET METAL MOUNT ARMS, INCLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).
FOR: MOUNTS FOR ELECTRONIC DEVICES AND SPORTING EQUIPMENT SPECIALLY ADAPTED FOR USE IN VEHICLES INCLASS 12 (U.S. CLS. 19, 21, 23, 31, 35 AND 44).
SEC. 2(F).
SER. NO. 85-632,977, FILED 5-23-2012.
ELIZABETH KAJUBI, EXAMINING ATTORNEY

Director of the United States Patent and Trademark Office
REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.

Requirements in the First Ten Years

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date. See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th year period, calculated from the registration date.

Grace Period Filings

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*ATTENTION MADRID PROTOCOL REGISTRANTS: The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. §114ij. For more information on renewal forms for the international registration, see http://www.wipo.int/madrid/en/.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at http://www.uspto.gov.
EXHIBIT 2
TO GEO
Practice of U.S. Trademark Reg. No. 4,254,086
By NPI’s RAM Double Socket Arm ("The Practicing Product")

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<thead>
<tr>
<th>Registered Trademark</th>
<th>Practicing Product</th>
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<tbody>
<tr>
<td><img src="image1" alt="Registered Trademark" /></td>
<td><img src="image2" alt="Practicing Product" /></td>
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PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached ORDER has been served by hand upon the Commission Investigative Attorney, Monica Bhattacharyya, Esq., and the following parties as indicated, on June 17, 2019.

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

On Behalf of Complainants National Products Inc.:  
Bryan A. Kohm, Esq.  
FENWICK & WEST, LLP  
1191 Second Avenue, 10th Floor  
Seattle, WA 98101

Respondents:

Shenzhen Chengshuo Tech. Co., Ltd.  
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Qixianqiao Village, Dalu Ind. Zone  
Liangzhu, Yuhang Hangzhou  
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Foshan City, Guangdong  
China, 528200

Chengdu MWUPP Tech. Co., Ltd.  
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Longgang Dist., Shenzhen  
China, 518112

☑ Via Hand Delivery  
☒ Via Express Delivery  
☐ Via First Class Mail  
☐ Other: ____________
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Longcheng Huafu, Longcheng St.
Longgang Dist., Shenzhen
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☐ Via First Class Mail
☐ Other:

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☒ Via Express Delivery
☐ Via First Class Mail
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☒ Via Express Delivery
☐ Via First Class Mail
☐ Other:

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Guangdong
China, 510000

☐ Via Hand Delivery
☒ Via Express Delivery
☐ Via First Class Mail
☐ Other:

Shenzhen Smilin Electronic Technology Co., Ltd.
40 Bldg, Niulanqian Village
Minzhi Street, Baoan Dist.
Shenzhen, Guangdong
China, 518100

☐ Via Hand Delivery
☒ Via Express Delivery
☐ Via First Class Mail
☐ Other:

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Longgang Dist., Shenzhen
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☐ Via Hand Delivery
☒ Via Express Delivery
☐ Via First Class Mail
☐ Other: