UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of **CERTAIN CARBON SPINE BOARD, CERVICAL COLLAR, CPR MASKS AND VARIOUS MEDICAL TRAINING MANIKIN DEVICES, AND TRADEMARKS, COPYRIGHTS OF PRODUCT CATALOGUES, PRODUCT INSERTS AND COMPONENTS THEREOF**	**Investigation No. 337-TA-1008**

LIMITED EXCLUSION ORDER

The Commission has found Shanghai Evenk International Trading Co., Ltd., of Shanghai, China; Shanghai Honglian Medical Instrument Development Co., Ltd., of Shanghai, China; Shanghai Jolly Medical Education Co., Ltd., of Shanghai, China; Zhangjiagang Xiehe Medical Apparatus & Instruments Co., Ltd., of Zhangjiagang City, China; Zhangjiagang New Fellow Med Co., Ltd., of Zhangjiagang City, China; Jiangsu Yongxin Medical Equipment Co., Ltd., of Zhangjiagang City, China; Jiangsu Yongxin Medical-Use Facilities Making Co., Ltd., of Zhangjiagang City, China; Jiangyin Everise Medical Devices Co., of Jiangyin City, China; Medsource International Co., Ltd., of PuDong, China; Medsource Factory, Inc., of PuDong, China; and Basic Medical Supply, LLC, of Richmond, Texas (collectively "Respondents") in default for failing to respond to a Notice of Institution of Investigation and an Amended Complaint alleging a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to the unlawful importation and sale of certain carbon spine board, cervical collar, and medical training manikin devices that infringe certain trade dresses of Complainants

Laerdal Medical Corp. and Laerdal Medical AS (collectively, "Laerdal"). The asserted trade dresses are set forth in Exhibits 1-6 of this Order.

Having reviewed the record in 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 that the appropriate form of relief includes a limited exclusion order prohibiting the unlicensed entry of carbon spine boards, cervical collars, and medical training manikin devices that infringe Laerdal's trade dresses as defined in the text and images of Exhibits 1-6.

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(g) do not preclude the issuance of the limited exclusion order, and that the bond during the Presidential review period shall be in the amount of 100 percent of the entered value for covered carbon spine boards, cervical collars, and medical training manikin devices.

Accordingly, the Commission hereby **ORDERS** that:

1. Carbon spine boards and cervical collars that are covered by one or more of Laerdal's BaXstrap® SpineBoard and Stifneck® Select Extrication Collar trade dresses, Exhibits 1-2, and that are manufactured abroad by or on behalf of, or are imported by or on behalf of, Shanghai Evenk International Trading Co., Ltd.; Shanghai Honglian Medical Instrument Development Co., Ltd.; Zhangjiagang Xiehe Medical Apparatus & Instruments Co., Ltd.; Zhangjiagang New Fellow Med Co., Ltd.; Jiangsu Yongxin Medical Equipment Co., Ltd.; Jiangsu Yongxin Medical-Use Facilities Making Co., Ltd.; Jiangyin Everise Medical Devices Co.; Basic Medical Supply, LLC; Medsource International Co., Ltd.; and/or Medsource Factory, Inc., or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, 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 of the trade dress owner or as provided by law, until such date as the trade dress is abandoned or rendered invalid or unenforceable.

2. Medical training manikin devices that are covered by one or more of Laerdal's Baby Anne® (ALS) Manikin, Resusci® Baby Manikin, Resusci® Junior Manikin and Resusci® Anne Adult Manikin trade dresses, Exhibits 3-6, and that are manufactured abroad by or on behalf of, or are imported by or on behalf of, Shanghai Evenk International Trading Co., Ltd.; Shanghai Honglian Medical Instrument Development Co., Ltd.; and/or Shanghai Jolly Medical Education Co., Ltd., or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, 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 of the trade dress owner or as provided by law, until such date as the trade dress is abandoned or rendered invalid or unenforceable.

3. Notwithstanding paragraphs 1 and 2 of this Order, the aforesaid carbon spine boards, cervical collars, and medical training manikin devices 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 100 percent of entered value of such articles pursuant to subsection (j) of section 337 of the Tariff Act of 1930, as amended, 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 and until such time as the United States Trade Representative notifies the Commission that this action 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 U.S. Customs and Border Protection ("CBP") in advance of the date of entry, pursuant to the procedures CBP establishes.

4. At the discretion of CBP and pursuant to procedures it establishes, persons seeking to import carbon spine boards, cervical collars, and medical training manikin devices 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 and 2 of this Order. At its discretion, CBP may also require persons who have provided the certification described in this paragraph to furnish such records or analyses as it deems necessary to substantiate the certification.

5. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to carbon spine boards, cervical collars, and medical training manikin devices that are 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.

6. Complainants shall file a written statement with the Commission, made under oath, each year on the anniversary of the issuance of this Order stating whether Complainants continue to use the aforesaid trade dress in commerce in the United States and whether the aforesaid trade dress has been abandoned, canceled, or rendered invalid or unenforceable.

7. 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.

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

9. Notice of this Order shall be published in the Federal Register.

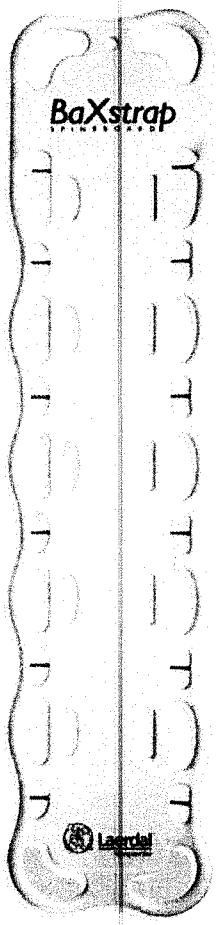
By order of the Commission.

Lisa R. Barton
Secretary to the Commission

Issued: July 22, 2019

EXHIBIT 1

Laerdal BaXstrap® SpineBoards (Amended Compl. Ex. 26)



The elements of the **Laerdal BaXstrap® SpineBoards Trade Dress** are as follows:

the distinctive shape of the Laerdal BaXstrap® SpineBoard product, wherein the shape is rectangular with each longer side approximately 4.5 times the length of each shorter side, and with a repeated and oscillating wavelike perimeter as shown in the accompanying image; each corner of the rectangular shape being curved; having a series of primary openings along the longitudinal edges, which openings have a substantially linear edge and a curved remaining perimeter, and a series of secondary openings positioned inward from the perimeter relative to the primary openings, the secondary openings also having a substantially linear edge, and a curved remaining perimeter, the substantially linear edge of each secondary opening being positioned to oppose a substantially linear edge of a primary opening, the product being bright yellow.

EXHIBIT 2

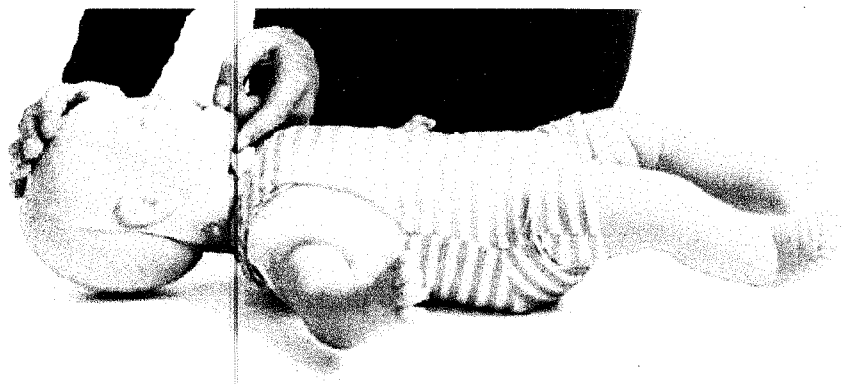
Laerdal's Stifneck® Select Extrication Collars (Amended Compl. Ex. 27)

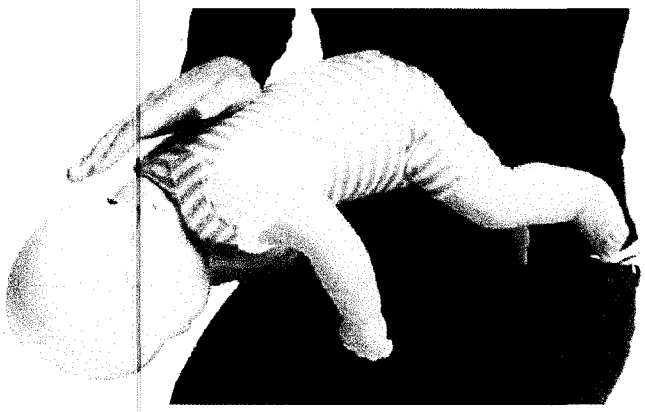
The elements of the Laerdal Stifneck® Select Extrication Collars Trade Dress are as follows:

the distinctive shape and colors of the Laerdal Stifneck® Select Extrication Collar, wherein the colors are white, blue and yellow moving from bottom to top, with the junction of each of the colors having a curvature as shown, plural substantially oval shaped openings extending vertically along the blue portion as shown; wherein the top to bottom height at the front portion is approximately the same as a horizontal diameter across the center portion of the Extrication Collar, and the use of contrasting colors, including blue on the lower portion and yellow on the upper portion of the collar, wherein the top to bottom blue portion of the collar narrows smoothly from the back of the collar to the front.

EXHIBIT 3

Laerdal Baby Anne® (ALS) Manikins (Amended Compl. Ex. 28)



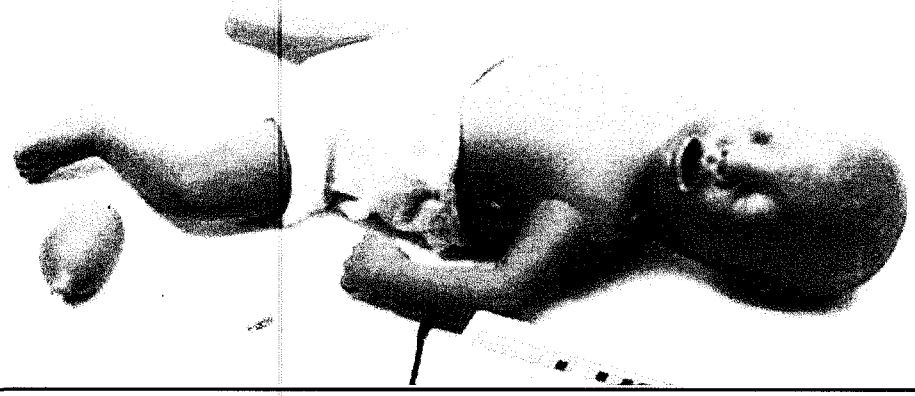


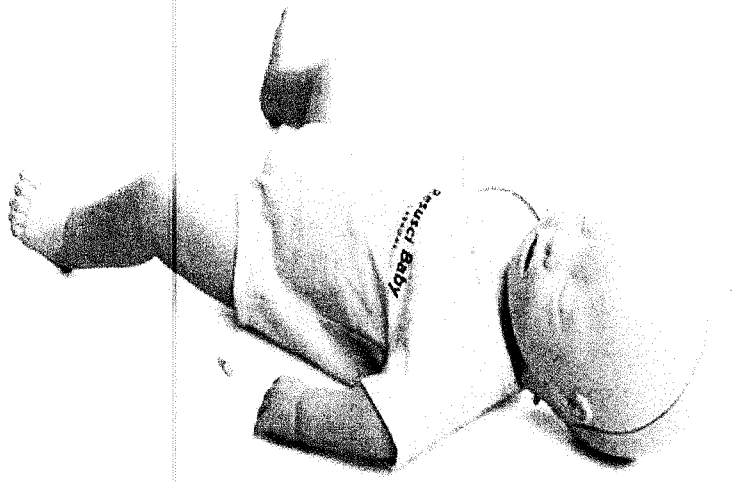
The elements of the Laerdal Baby Anne® (ALS) Manikins Trade Dress are as follows:

the distinctive shape of the Laerdal Baby Anne® (ALS) Manikin item as shown, wherein the facial features, musculature, position of the body, angle and positioning of extremities, mouth opening, arrangement, shape and placement of internal parts, and the appearance of the types of plastic used for different components and clothing are as shown; the clothing comprises light colored horizontal striping.

EXHIBIT 4

Laerdal Resusci® Baby Manikins (Amended Compl. Ex. 29)



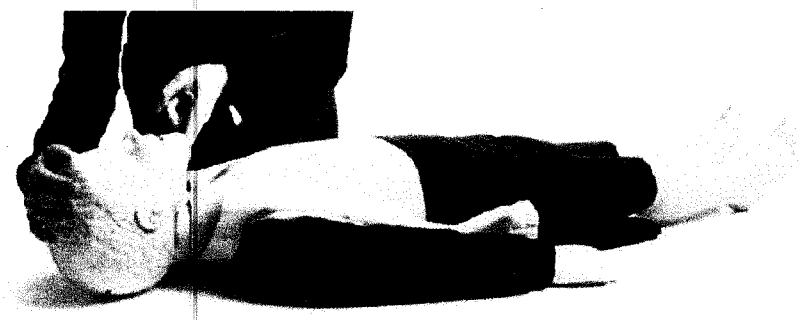


The elements of the Laerdal Resusci® Baby Manikins Trade Dress are as follows:

the distinctive shape of the Laerdal Resusci® Baby Manikin and appearance of its facial features as shown, wherein the clothing is a light colored one piece baby outfit as shown, bearing the likeness of an infant child under one year old; the facial features, mouth opening, musculature, position of the body, angle and positioning of extremities, arrangement, shape and placement of internal parts, and the appearance of the types of plastic used for different components and clothing are as shown.

EXHIBIT 5

Laerdal Resusci® Junior Manikins (Amended Compl. Ex. 30)

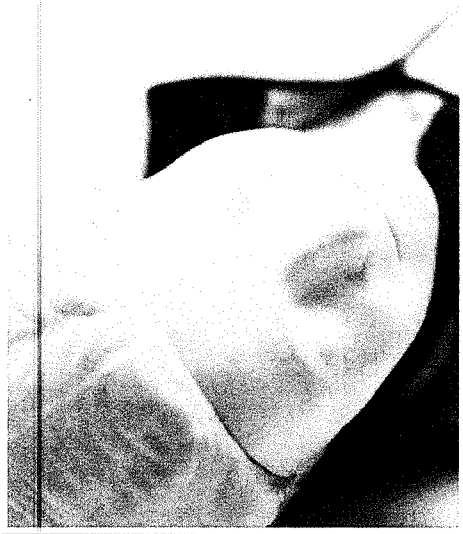


The elements of the Laerdal Resusci® Junior Manikins Trade Dress are as follows:

the distinctive shape of the Laerdal Resusci® Junior Manikin as shown wherein the appearance of its facial features is the likeness of a child as shown; a torso clothed in tan coloring, and extremities clothed in blue coloring; the facial features, musculature, position of the body, angle and positioning of extremities, mouth openings, arrangement, shape and placement of internal parts, placement of outside hooks, and the appearance of the types of plastic and metal parts used for different components and clothing as shown

EXHIBIT 6
(Anne Manikin)

Laerdal Resusci® Anne Manikins Trade Dress (Amended Compl. Ex. 31)



The elements of the Laerdal Resusci® Anne Manikins Trade Dress are as follows:

the distinctive shape of the Laerdal Resusci® Anne Manikin wherein the facial features, musculature, position of the body, angle and positioning of extremities, mouth openings, arrangement, shape and placement of internal parts, placement of outside hooks, and the appearance of the types of plastic and metal parts used for different components and clothing are as shown; extremities clothed at least partially in blue coloring and a torso clothed in a lighter color clothing.

CERTAIN CARBON SPINE BOARD, CERVICAL COLLAR, CPR MASKS AND VARIOUS MEDICAL TRAINING MANIKIN DEVICES, AND TRADEMARKS, COPYRIGHTS OF PRODUCT CATALOGUES, PRODUCT INSERTS AND COMPONENTS THEREOF

Inv. No. 337-TA-1008

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **Order, Commission** has been served by hand upon the Commission Investigative Attorney, Monica Bhattacharyya, Esq., and the following parties as indicated, on **July 22, 2019**.

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

On Behalf of Complainants Laerdal Medical Corp. and Laerdal Medical AS:

Joseph W. Bain, Esq.
SHUTTS & BOWEN LLP
525 Okeechobee Blvd, Suite 110
West Palm Beach, FL 33401

☐ Via Hand Delivery
☒ Via Express Delivery
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Respondents:

Shanghai Evenk International Trading C0,, Ltd.
Aijia International Building
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Shanghai, China 200086

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Zhangjiangang Xiehe Medical Apparatus & Instruments Co., Ltd. FuGang Building #6B RenMin Street Zhangjiangang City Jiangsu, China 215600	☐Via Hand Delivery ☒ Via Express Delivery ☐ Via First Class Mail ☐Other:_____
Zhangjiagang New Fellow Med Co., Ltd Sanxing Wukesong Road Jinfeng Town, Zhangjiagang City Jiangsu Province, China 215624	☐ Via Hand Delivery ☒ Via Express Delivery ☐ Via First Class Mail ☐Other:_____
Jiangsu Yongxin Medical Equipment Co., Ltd. 204 New State Road Leyu Town, Zhangjiagang City Jiangsu Province, China 215600	☐Via Hand Delivery ☒ Via Express Delivery ☐ Via First Class Mail ☐Other:_____
Jiangsu Yongxin Medical-Use Facilities Making Co., Ltd, 204 New State Road Leyu Town, Zhangjiagang City Jiangsu Province, China 215600	☐Via Hand Delivery ☒ Via Express Delivery ☐ Via First Class Mail ☐Other:_____
Jiangyin Everise Medical Devices Co., Ltd. No. 1001 Chengyang Road Jiangyin City, Jiangsu China 214423	☐Via Hand Delivery ☒ Via Express Delivery ☐ Via First Class Mail ☐Other:_____
Medsource International Co., Ltd. and Medsource Factory, Inc. No. 1703 Building 11 #, Lane 225 Jinxiang Road, PuDong China 201206	☐Via Hand Delivery ☒ Via Express Delivery ☐ Via First Class Mail ☐Other:_____
Basic Medical Supply, LLC 19902 Flax Flower Drive Richmond, TX 77 407	☐Via Hand Delivery ☒ Via Express Delivery ☐ Via First Class Mail

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of **CERTAIN CARBON SPINE BOARD, CERVICAL COLLAR, CPR MASKS AND VARIOUS MEDICAL TRAINING MANIKIN DEVICES, AND TRADEMARKS, COPYRIGHTS OF PRODUCT CATALOGUES, PRODUCT INSERTS AND COMPONENTS THEREOF**	**Investigation No. 337-TA-1008**

LIMITED EXCLUSION ORDER

The Commission has determined that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. §1337) by Respondents Medsource International Co., Ltd., of PuDong, China; Medsource Factory, Inc. of PuDong, China; and Basic Medical Supply, LLC of Richmond, Texas (collectively, "Respondents"). The Commission found Respondents in default pursuant to subsection (g)(1) of section 337, 19 U.S.C. § 1337(g)(1), and section 210.16 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.16, for failing to respond to a Notice of Investigation and an Amended Complaint that alleged a violation of section 337 with respect to the unlawful importation, sale for importation, and sale after importation of certain cervical collars that infringe claim 1 of U.S. Patent No. 6,090,058 ("the '058 patent") and certain CPR masks that infringe U.S. Trademark Registration No. 3,476,656 ("the '656 mark").

Having reviewed the record in 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 that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of covered cervical collars and CPR masks

manufactured for or on behalf of, or imported by or on behalf of, Respondents or their affiliated companies, parents, subsidiaries, contractors and other related business entities, successors or assigns.

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(g) do not preclude the issuance of the limited exclusion order, and that the bond during the Presidential review period shall be in the amount of 100 percent of the entered value for covered cervical collars and CPR masks.

Accordingly, the Commission hereby **ORDERS** that:

1. Cervical collars that infringe claim 1 of the '058 patent and that are manufactured abroad by or on behalf of, or are imported by or on behalf of Respondents, or any of their affiliated companies, parents, subsidiaries, agents, or other related business entities, or their successors or assigns, 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 term of the patent, except under license of the patent owner or as provided by law.

2. CPR masks that infringe the '656 mark, or any marks confusingly similar thereto or that are otherwise misleading as to source, origin, or sponsorship, and that are manufactured abroad by or on behalf of, or are imported by or on behalf of, Respondents, or any of their affiliated companies, parents, subsidiaries, agents, or other related business entities, or their successors or assigns, 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 of the trademark owner or as provided by law, until such date as the trademark is abandoned, canceled, or rendered invalid or unenforceable.

3. Notwithstanding paragraphs 1 and 2 of this Order, the aforesaid cervical collars and CPR masks 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 100 percent of entered value of such articles pursuant to subsection (j) of section 337 of the Tariff Act of 1930, as amended, 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 and until such time as the United States Trade Representative notifies the Commission that this action is approved or disapproved but, in any event, not later than sixty (60) days after the date of receipt of this Order. Note, however, that this provision does not exempt seizure of infringing articles 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, 17 U.S.C. § 506, and 18 U.S.C. §§ 2318 and 2320.

4. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to cervical collars and CPR masks that are 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.

5. At the discretion of CBP and pursuant to procedures it establishes, persons seeking to import cervical collars and CPR masks 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 and 2 of this Order. At its discretion, CBP may also require persons who have provided the certification described in

this paragraph to furnish such records or analyses as it deems necessary to substantiate the certification.

6. Complainants shall file a written statement with the Commission, made under oath, each year on the anniversary of the issuance of this Order stating whether Complainants continue to use the aforesaid trademark in commerce in the United States and whether the aforesaid trademark has been abandoned, canceled, or rendered invalid or unenforceable.

7. 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.

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

9. Notice of this Order shall be published in the Federal Register.

By order of the Commission.

Lisa R. Barton
Secretary to the Commission

Issued: June 14, 2017

CERTAIN CARBON SPINE BOARD, CERVICAL COLLAR, CPR MASKS AND VARIOUS MEDICAL TRAINING MANIKIN DEVICES, AND TRADEMARKS, COPYRIGHTS OF PRODUCT CATALOGUES, PRODUCT INSERTS AND COMPONENTS THEREOF

Inv. No. 337-TA-1008

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **LIMITED EXCLUSION ORDER** has been served by hand upon the Commission Investigative Attorney, Monica Bhattacharyya, Esq., and the following parties as indicated, on **June 14, 2017**.

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

On Behalf of Complainants Laerdal Medical Corp. and Laerdal Medical AS:

Joseph W. Bain, Esq.
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Respondents:

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Zhangjiagang New Fellow Med Co., Ltd Sanxing Wukesong Road Jinfeng Town, Zhangjiagang City Jiangsu Province, China 215624	☐ Via Hand Delivery ☐ Via Express Delivery ☒ Via First Class Mail ☐ Other:_____
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Medsource International Co., Ltd. and Medsource Factory, Inc. No. 1703 Building 11 #, Lane 225 Jinxiang Road, PuDong China 201206	☐ Via Hand Delivery ☐ Via Express Delivery ☒ Via First Class Mail ☐ Other:_____
Basic Medical Supply, LLC 19902 Flax Flower Drive Richmond, TX 77 407	☐ Via Hand Delivery ☐ Via Express Delivery ☒ Via First Class Mail ☐ Other:_____