

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN MOUNTING APPARATUSES
FOR HOLDING PORTABLE
ELECTRONIC DEVICES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1086

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', enclosed within a large, loopy oval shape.

Lisa R. Barton
Secretary to the Commission

Issued: June 17, 2019

EXHIBIT 1
TO GEO

7547033

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

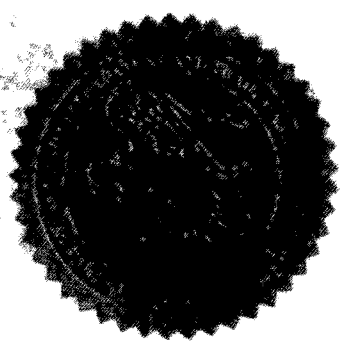
August 24, 2017

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

\$7
M. TARVER
Certifying Officer



United States of America

United States Patent and Trademark Office



Reg. No. 4,254,086

Registered Dec. 4, 2012

Int. Cls.: 6 and 12

TRADEMARK

PRINCIPAL REGISTER

NATIONAL PRODUCTS, INC. (WASHINGTON CORPORATION)
8410 DALLAS AVE. S.
SEATTLE, WA 98108

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, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 0-0-1992; IN COMMERCE 0-0-1992.

FOR: MOUNTS FOR ELECTRONIC DEVICES AND SPORTING EQUIPMENT SPECIALLY ADAPTED FOR USE IN VEHICLES, IN CLASS 12 (U.S. CLS. 19, 21, 23, 31, 35 AND 44).

FIRST USE 0-0-1992; IN COMMERCE 0-0-1992.

THE MARK CONSISTS OF A THREE-DIMENSIONAL CONFIGURATION OF A DOUBLE-SOCKET MOUNT ARM THAT IS TAPERED IN THE MIDDLE LIKE AN HOURGLASS. THE DOTTED LINES OUTLINING THE ENDS OF THE MOUNT AND THE ADJUSTMENT KNOB INDICATE PLACEMENT OF THE MARK ON THE GOODS AND ARE NOT PART OF THE MARK.



SEC. 2(F).

SER. NO. 85-632,977, FILED 5-23-2012.

ELIZABETH KAJUBI, EXAMINING ATTORNEY

David J. Kappas

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.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

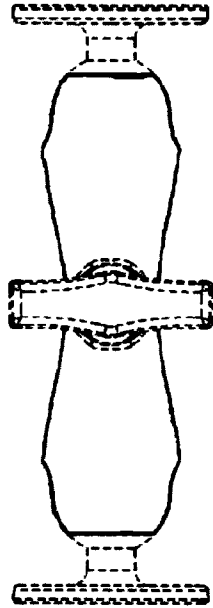
***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are 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. §1141j. For more information and 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>.

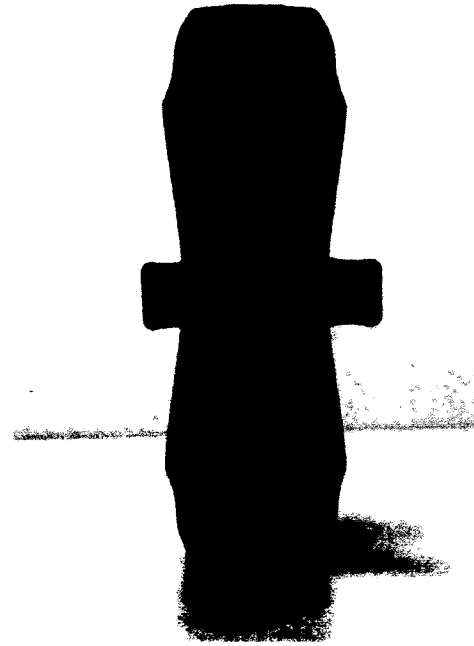
EXHIBIT 2
TO GEO

**Practice of U.S. Trademark Reg. No. 4,254,086
By NPI's RAM Double Socket Arm ("The Practicing Product")**

Registered Trademark



Practicing Product



**CERTAIN MOUNTING APPARATUSES FOR HOLDING
PORTABLE ELECTRONIC DEVICES AND
COMPONENTS THEREOF**

Inv. No. 337-TA-1086

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

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Respondents:

Shenzhen Chengshuo Tech. Co., Ltd.
Bldg. A, No. 18, Zhongbuqiao
Qixianqiao Village, Dalu Ind. Zone
Liangzhu, Yuhang Hangzhou
China, 212000

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Foshan City Qishi Sporting Goods
Guangfo Road No. 71, Nanhai Dist.
Foshan City, Guangdong
China, 528200

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Chengdu MWUPP Tech. Co., Ltd.
Bldg. 1, 3rd Floor, Door 15
10 Jinkang Rd., Wuhou Dist.
Chengdu City, Sichuan Prov.
China, 610045

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Shenzhen Yingxue Tech. Co., Ltd.
Room 14H, Haojinmingyuan Phase 2
No. 28 Zhengqing Rd, Buji Town
Longgang Dist., Shenzhen
China, 518112

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

**CERTAIN MOUNTING APPARATUSES FOR HOLDING
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Certificate of Service – Page 2

Shenzhen Shunsihang Tech. Co., Ltd.
Room 16D, Yonghuaafu, Bldg. No.1
Longcheng Huaafu, Longcheng St.
Longgang Dist., Shenzhen
China, 518112

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Guangzhou Kean Products Co., Ltd.
Room 216-218, No. 275, D. Dist
Zheng Cha Road, Baiyun Dist.
Huangzhou, Guangdong
China, 510000

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Prolech Electronics, Limited
Bldg. 2, Floor 2, Ba Fang Uyan Ind.
Gui Shan Road, No. 9, Xixiang Town
Baoan Dist., Shenzhen
China, 518100

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Gangzhou Kaicheng Metal Produce Co.
No. 17, Xijiu St., Jinshazhou
Baiyun District, Guangzhou
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: _____

Shenzhen New Dream Intelligent Plastic, Co., Ltd.
B511, Langshang Inno. Park, No. 7
Xinfeng Rd., Longcheng St.
Longgang Dist., Shenzhen
China, 518112

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____