

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

In the Matter of

**CERTAIN FUEL PUMP ASSEMBLIES
HAVING VAPOR SEPARATORS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1101

LIMITED EXCLUSION ORDER

The Commission has previously found Respondent Wenzhou Jushang (JS) Performance Parts Co. Ltd. (“JSP”) in default for failing to respond to a Notice of Investigation and a Complaint that alleged a violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), with respect to the unlawful importation into the United States and sale within the United States after importation of certain fuel-pump assemblies with vapor separators and components thereof by reason of infringement of U.S. Patent No. 6,257,208 (“the ’208 Patent”).

Having reviewed the record in this investigation, including the written submission 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 fuel-pump assemblies with vapor separators and components thereof that infringe the ’208 Patent, and that are made by or for and/or sold by or for JSP or any of its affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns.

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

Accordingly, the Commission hereby ORDERS that:

1. Fuel-pump assemblies with vapor separators and components thereof that infringe one or more of claims 1-5 and 7-18 of the '208 Patent and that are manufactured abroad by or on behalf of, or are imported by or on behalf of, JSP or any of its affiliated companies, parents, subsidiaries, or other related business entities, or its successors or assigns ("covered articles"), 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 '208 Patent, except under license of the patent owner or as provided by law.

2. Notwithstanding paragraph 1 of this Order, the covered articles are entitled to entry into the United States for consumption, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption under bond in the amount of one hundred (100) percent of the entered value of such articles pursuant to subsection (j) of Section 337 of the Tariff Act, 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. 43,251), from the day after this Order is received by the United States 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 by the United States Trade Representative. 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 the entry, pursuant to procedures CBP establishes.

3. At the discretion of CBP and pursuant to the procedures it establishes, persons seeking to import certain fuel-pump assemblies with vapor separators 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 paragraph 1 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 this certification.

4. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to covered products 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. The Commission may modify this Order in accordance with the procedures described in Rule 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

6. The Secretary shall serve copies of this Order upon each party of record in this investigation and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and U.S. Customs and Border Protection.

7. 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', written in a cursive style.

Lisa R. Barton
Secretary to the Commission

Issued: December 13, 2018

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **Commission, Order** has been served to the following parties as indicated, on December 13, 2018.



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

On Behalf of Complainants Carter Fuel Systems, LLC:

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