

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

**In the Matter of
CERTAIN JUMP ROPE SYSTEMS**

Investigation No. 337-TA-1108

LIMITED EXCLUSION ORDER

The Commission has determined that Respondent Suzhou Everise Fitness Co., Ltd. of Jiangsu, China (“Respondent”) is in violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337). The Commission has further determined that Respondent is in default under subsection (g)(1) of Section 337 (19 U.S.C. § 1337(g)(1)) and Rule 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 a Complaint alleging a violation of Section 337 due to the unlawful importation into the United States, sale for importation, or sale within the United after importation of certain jump rope systems that infringe claim 1 of U.S. Patent No. 7,789,809 (“the ’809 patent”) or claim 1 of U.S. Patent No. 8,136,208 (“the ’208 patent”).

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 that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of jump rope systems that infringe claim 1 of the ’809 patent or claim 1 of the ’208 patent and that are manufactured by, or on behalf of, or are imported by or on behalf of Respondent or any of its affiliated companies, parents, subsidiaries, or other related business entities, or its successors or assigns.

The Commission has also determined that the public interest factors enumerated in Section 337(g)(1) (19 U.S.C. § 1337(g)(1)) do not preclude issuance of the limited exclusion order, and that the bond during the period of 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. Jump rope systems that infringe claim 1 of the '809 patent or claim 1 of the '208 patent and that are manufactured by or on behalf of, or are imported by or on behalf of Respondent or any of its affiliated companies, parents, subsidiaries, or other related business entities, or its 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 patents, except under the license of the patent owner or as provided by law.

2. Notwithstanding paragraph 1 of this Order, the aforesaid jump rope systems 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 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 by the United States Trade Representative.

3. At the discretion of U.S. Customs and Border Protection (“CBP”) and pursuant to procedures it establishes, persons seeking to import jump rope systems 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 jump rope systems that are imported by or for the use of the United States, or imported for and to be used, 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 CBP.

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

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: September 25, 2018

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, **Vu Bui, Esq.**, and the following parties as indicated, on **September 25, 2018**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
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On Behalf of Complainants Jump Rope Systems, LLC:

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

Respondents:

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