

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC**

In the Matter of

**CERTAIN CHILD RESISTANT CLOSURES
WITH SLIDER DEVICES HAVING A USER
ACTUATED INSERTABLE TORPEDO
FOR SELECTIVELY OPENING THE
CLOSURES AND SLIDER DEVICES
THEREFOR**

Investigation No. 337-TA-1171

GENERAL EXCLUSION ORDER

The United States International Trade Commission (“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, sale for importation, or sale within the United States after importation of certain child resistant closures with slider devices having a user actuated insertable torpedo for selectively opening the closures and slider devices therefor (as defined in paragraph 2 below) that infringe one or more of claims 1, 3, 5, and 8-10 of U.S. Patent No. 9,505,531 (“the ’531 patent”), claims 1, 4, 6-8, 11, 12, 15, and 19 of U.S. Patent No. 9,554,628 (“the ’628 patent”), and claims 1, 3, 5, and 8 of U.S. Patent No. 10,273,058 (“the ’058 patent”) (collectively, the “Asserted Patents”).

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determinations on the issues of remedy, the public interest, and bonding. The Commission has determined 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 the infringing products. Accordingly, the Commission has determined

to issue a general exclusion order prohibiting the unlicensed importation of infringing child resistant closures with slider devices having a user actuated insertable torpedo for selectively opening the closures and slider devices therefor.

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(d) do not preclude issuance of a general 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. Child resistant closures with slider devices having a user actuated insertable torpedo for selectively opening the closures and slider devices therefor (as defined in paragraph 2 below) that infringe one or more of claims 1, 3, 5, and 8-10 of the '531 patent, claims 1, 4, 6-8, 11, 12, 15, and 19 of the '628 patent, and claims 1, 3, 5, and 8 of the '058 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 Asserted Patents, except under license from, or with the permission of, the patent owner or as provided by law until such date as the Asserted Patents are abandoned, canceled, or rendered invalid or unenforceable.
2. The child resistant closures with slider devices having a user actuated insertable torpedo for selectively opening the closures and slider devices therefor subject to this exclusion order (*i.e.*, “covered articles”) are as follows: reclosable zippers and slider devices for packages, including bags and pouches, that are resistant to opening by young children.

3. Notwithstanding paragraph 1 of this Order, 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 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.* 43,251), 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 U.S. Customs and Border Protection (“CBP”), in advance of the date of the entry, pursuant to procedures CBP establishes
4. At the discretion of CBP and pursuant to procedures it establishes, persons seeking to import child resistant closures with slider devices having a user actuated insertable torpedo for selectively opening the closures and slider devices therefor 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 records or analyses as are necessary to substantiate the certification.

5. In accordance with 19 U.S.C. § 1337(1), the provisions of this Order shall not apply to covered articles 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. 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).
7. The Secretary shall serve copies of this Order upon each party of record in this investigation and upon CBP.
8. Notice of this Order shall be published in the Federal Register.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: August 27, 2020

**CERTAIN CHILD RESISTANT CLOSURES WITH SLIDER
DEVICES HAVING A USER ACTUATED INSERTABLE
TORPEDO FOR SELECTIVELY OPENING THE
CLOSURES AND SLIDER DEVICES THEREFOR**

Inv. No. 337-TA-1171

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **COMMISSION ORDER** has been served via EDIS upon the Commission Investigative Attorney, **Megan Wantland, Esq.**, and the following parties as indicated, on **August 27, 2020**.



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

On Behalf of Complainant Reynolds Presto Products Inc.:

Daniel H. Shulman, Esq.
VEDDER PRICE P.C.
222 North LaSalle Street
Chicago, IL 60601
Email: dshulman@vedderprice.com

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Email Notification of Availability for Download

Respondents:

Dalian Takebishi Packing Industry Co., Ltd.
Room 101, Unit 2, No. 125 ChangChun Road
XiGang District, Dalian
China 116011

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants

Dalian Altma Industry Co., Ltd.
No. 36, North Fuquan Road, Economic and Technological
Development Zone, Dalian, Liaoning
China 116100

- Via Hand Delivery
- Via Express Delivery
- Via First Class Mail
- Other: Service to Be Completed by Complainants