

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN UNIVERSAL GOLF CLUB
SHAFT AND GOLF CLUB HEAD
CONNECTION ADAPTORS, CERTAIN
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING THE SAME**

Investigation No. 337-TA-1320

LIMITED EXCLUSION ORDER

The United States International Trade Commission (“Commission”) has found Top Golf Equipment Co. Limited (“Respondent”) in default. *See* Order No. 7 (Sept. 26, 2022), *unreviewed by* Notice, 64 Fed. Reg. 64815 (Oct. 26, 2022). The complaint alleged 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 universal golf club shaft and golf club head connection adaptors, certain components thereof, and products containing the same that infringe one or more of claims 1-5 and 8-14 of U.S. Patent No. 7,857,709 (“the ’709 patent”) and claims 1-16 of U.S. Patent No. 8,562,454 (“the ’454 patent”) (“Asserted Patents”). Because the conditions in 19 U.S.C. § 1337(g)(1)(A)-(g)(1)(E) have been satisfied, the Commission, upon the request of complainant Club-Conex, LLC of Scottsdale, Arizona (“Complainant”), issues this limited exclusion order, based on the allegations regarding a violation of section 337 in the complaint, which are presumed to be true as to the Respondent in default.

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, public interest, and bonding. The Commission has determined that the appropriate form of relief is a limited

exclusion order prohibiting the unlicensed entry of universal golf club shaft and golf club head connection adaptors, certain components thereof, and products containing the same manufactured by or on behalf of, or 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 19 U.S.C. § 1337(g)(1) do not preclude the issuance of the limited exclusion order, and that the bond during the period of Presidential review shall be in the amount of one hundred percent (100%) of the entered value of the articles subject to this Order.

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

1. Universal golf club shaft and golf club head connection adaptors, certain components thereof, and products containing the same that infringe one or more of claims 1-5 and 8-14 of the '709 patent and claims 1-16 of the '454 patent that are manufactured by or on behalf of, or imported by or on behalf of, Respondent, or 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 terms of the Asserted Patents, except under license of, or with the permission of, the patent owner or as provided by law.
2. The universal golf club shaft and golf club head connection adaptors, certain components thereof, and products containing the same that are subject to this Order (“covered articles”) are as follows: golf club connection adaptors, which

are used to quickly and easily, but reversibly, assemble a golf club shaft with a golf club head in a secure fashion, components thereof, such as shaft adapters, hosel adapters, and compression nuts, and products containing the same.

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 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. 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 the procedures it establishes, persons seeking to import articles 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 the certification.

5. In accordance with 19 U.S.C. § 1337(l), 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 that has retained counsel or otherwise provided a point of contact for electronic service and upon CBP. While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR §§ 201.16(a), 210.7(a)(1)), the Commission orders that the Complainant complete service of this Order for any party without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).
8. 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 "Katherine M. Hiner". The signature is written in a cursive style with a large initial "K".

Katherine M. Hiner
Acting Secretary to the Commission

Issued: December 15, 2022