

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN PORTABLE BATTERY
JUMP STARTERS AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1256

LIMITED EXCLUSION ORDER

The United States International Trade Commission (“Commission”) has found respondents Zhejiang Quingyou Electronic Commerce Co., Ltd. (“Zhejiang Quingyou”) and Shenzhen Mediatek Tong Technology Co., Ltd. (“Mediatek”) (collectively, “Defaulting Respondents”) in default. *See* Order No. 23 (Jul. 13, 2021), *unreviewed by* Comm’n Notice (Jul. 30, 2021). The Second Amended 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 portable battery jump starters and components thereof that infringe one or more of U.S. Trademark Registration Nos. 4,811,656 (“the ’656 mark”) and 4,811,749 (“the ’749 mark”) (collectively, “the Asserted Trademarks”). Because the conditions in 19 U.S.C. § 1337(g)(1)(A)–(E) have been satisfied, the Commission, upon the request of the complainant, issues a limited exclusion order, based on the violations alleged in the Second Amended Complaint that are presumed to be true as to the Defaulting Respondents.

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 the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of infringing portable battery jump starters and

components thereof that are imported by or on behalf of respondents Zhejiang Quingyou and Mediatek with respect to the '749 mark, and respondent Zhejiang Quingyou with respect to the '656 mark, or any of their affiliated companies, parents, subsidiaries, agents, 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) 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 100 percent (100%) of the entered value of the entered value of the articles subject to this Order. Accordingly, the Commission hereby **ORDERS** that:

1. Certain portable battery jump starters and components thereof that infringe the '749 mark that are imported by or on behalf of Zhejiang Quingyou or Mediatek, or any of their affiliated companies, parents, subsidiaries, agents, or other related business entities, or their 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, except under license of the trademark owner or as provided by law until such date as the trademark has been abandoned, canceled, or rendered invalid or unenforceable.

2. Certain portable battery jump starters and components that infringe the '656 mark that are imported by or on behalf of Zhejiang Quingyou or any of its affiliated companies, parents, subsidiaries, agents, 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, except under license of the trademark owner or as provided by law until such date as the trademark has been abandoned, canceled, or rendered invalid or unenforceable.

3. The portable battery jump starters and components thereof that are subject to this exclusion order (*i.e.*, “covered articles”) are as follows: portable, battery-powered devices that are used to jump-start batteries such as those in automobiles, trucks, and other vehicles, and related components, namely battery cables and clamps. 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 this Order, the Commission has attached to this Order a copy of the relevant trademark registrations as Exhibits 1 and 2.

4. Notwithstanding paragraphs 1 and 2 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 100 percent (100%) of their entered value, 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 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. At the discretion of CBP and pursuant to the procedures it establishes, persons seeking to import articles 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 or 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.

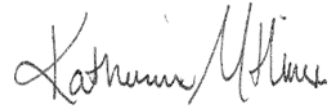
6. Complainant shall file a written statement with the Commission, made under oath, each year on the anniversary of the issuance of this Order stating whether Complainant continues to use each of the Asserted Trademarks in commerce in the United States in connection with the products at issue and whether any of the Asserted Trademarks have been abandoned, canceled, or rendered invalid or unenforceable.

7. 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).

8. 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).

9. 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: August 29, 2022