

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN PILLOWS AND SEAT
CUSHIONS, COMPONENTS THEREOF,
AND PACKAGING THEREOF**

Investigation No. 337-TA-1328

**NOTICE OF A COMMISSION DETERMINATION FINDING RESPONDENT
HANGZHOU LYDIA IN DEFAULT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the “Commission”) has determined not to review an initial determination (“ID”) (Order No. 21) issued by the presiding administrative law judge (“ALJ”) finding Respondent Hangzhou Lydia Sports Goods Co., Ltd. (“Hangzhou Lydia”) in default.

FOR FURTHER INFORMATION CONTACT: Paul Lall, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2043. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket system (“EDIS”) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on September 13, 2022, based on a complaint filed by Purple Innovation, LLC of Lehi, Utah (“Complainant”). 87 FR 56086-88 (Sept. 13, 2022). The complaint alleged a violation of section 337 of the Tariff Act, as amended, 19 U.S.C. 1337, from the importation, sale for importation, or sale in the United States after importation of certain pillows and seat cushions, components thereof, and packaging thereof by reason of infringement of the sole claim of U.S. Design Patent No. D909,092; claims 1-16, 18, 19, 21-33, and 35 of U.S. Patent No. 10,772,445; claims 1-4, 6, 10-12, 19, and 20 of U.S. Patent No. 10,863,837; U.S. Trademark Registration No. 5,661,556; and U.S. Trademark Registration No. 6,551,053. *Id.* at 56086-87. The complaint further alleged the existence of a domestic industry. *Id.* at 56086. The complaint also alleged violations of section 337 in the importation into the United States, or sale of certain products identified above by reason of trade dress infringement, the threat or effect of which is to destroy or substantially injure an industry in the United States. *Id.* at 56086-87.

The Commission’s notice of investigation named 41 respondents: Bedmate-U Co., Ltd. of Gwangju-si, Gyeonggi-do, Republic of Korea; Chuang Fan Handicraft Co., Ltd. of Pingyang Wenzhou, Zhejiang, China; Dongguan Bounce Technology Co., Ltd. of Dongguan, Guangdong, China; Dongguan Jingrui Silicone Technology Co., Ltd. of Dongguan, Guangdong, China; Foshan Dirani Design Furniture Co., Ltd. of Foshan, Guangdong, China; Global Ocean Trading Co. Ltd. of Foshan, Guangdong, China; Guang An Shi Lin Chen Zai Sheng Wuzi Co. Ltd. of Wenzhou, Zhejiang, China; Guang Zhou Wen Jie Shang Mao Youxian Gongsi Co., Ltd. of Chongming, Shanghai, China; Guangzhou Epsilon Import and Export Co., Ltd. of Guangzhou, Guangdong, China; Guangzhoushi Baixiangguo Keji Youxian Gongsi Co., Ltd. of Guangzhou, Guangdong, China; Haircrafters LLC of Chattanooga, Tennessee; Hangzhou Lishang Import & Export Co., Ltd. of Hangzhou, Zhejiang, China; Hangzhou Lydia of Hangzhou, Zhejiang, China; Hebei Zeyong Technology Co., Ltd. of Hengshui, Hebei, China; Henson Holdings, LLC d.b.a. SelectSoma of Lafayette, Louisiana; Hetaibao of Linqan, Anhui, China; Hubei Sheng Bingyi Dianzi Keji Youxian Gongsi Co. Ltd. of Hanchuan, Hubei, China; Kaifeng Shi Long Ting Qu Chen Yi Shangmao Youxian Gongsi Co., Ltd. of Kaifeng, Henan, China; Lankao Junchang Electronic Commerce Co., Ltd. of Kaifeng, Henan, China; Lei Lei Wang of Linqan, Anhui, China; Liu Lin Xian Xu Bin Dian Zi Chan Pin Dian of Liulin, Shanxi, China; Nanchang Shirong Bao Er Guanggao Youxian Gongsi Co., Ltd. of Nanchang, Jiangxi, China; Ningbo Bolian Import & Export Co., Ltd. of Ningbo, Zhejiang, China; Ningbo Minzhou Import & Export Co., Ltd. of Haishu, Beijing, China; Ruian Xiu Yuan Guoji MaoYi Youxian Gongsi Co., Ltd. of Wenzhou, Zhejiang, China; Shandong Jiu Hui Xinxu Keji Youxian Gongsi Co., Ltd. of Jinan, Shandong, China; Shanxi Chao Ma Xun Keji Youxian Gongsi Co., Ltd. of Xinzhou, Shanxi, China; Shenzhen Baibaikang Technology Co., Ltd. of Shenzhen, Guangdong, China; Shenzhen Leadfar Industry Co., Ltd. of Shenzhen, Guangdong, China; Shenzhen Shi Mai Rui Ke Dianzi Shangwu Co. Ltd. (“Shenzhen Shi Mai”) of Shenzhen, Guangdong, China; Shenzhen Shi Xin Shangpin Dianzi Shangwu Youxian Gongsi Co., Ltd. of Shenzhen, Guangdong, China; Shenzhen Shi Yan Huang Chu Hai Keji Youxian Gongsi Co., Ltd. of Shenzhen, Guangdong, China; Shenzhen Shi Yuxiang Meirong Yongju Youxian Gongsi Co. Ltd. of Shenzhen, Guangdong, China; Shenzhen Tianrun Material Co., Ltd. of Shenzhen, Guangdong, China; Wuhan Chenkuxuan Technology Co., Ltd. of Wuhan, Hubei, China; Xiao Dawei of Xiamen, Fujian, China; Xiao Xiao Pi Fa Shang Mao You Xian Ze Ren Gongsi Co. of Luliang, Shanxi, China; YaRu Wang of Luliang, Shanxi, China; Yiwu Youru E-commerce Co., Ltd. of Jinhua, Zhejiang, China; Zhejiang Xinhui Import & Export Co., Ltd. of Hangzhou, Zhejiang, China; and Zhou Meng Bo of Shenzhen, Guangdong, China. *Id.* at 56087-88. The Office of Unfair Import Investigations (“OUII”) is also a party to this investigation. *Id.* at 56088.

On November 8, 2022, Purple moved for an order directing the following eight respondents to show cause as to why they should not be found in default for failing to respond to the complaint and notice of investigation: (1) Shenzhen Leadfar Industry Co., Ltd.; (2) Xiao Dawei; (3) Shenzhen Shi Mai; (4) Zhou Meng Bo; (5) Guang Zhou Wen Jie Shang Mao Youxian Gongsi Co., Ltd.; (6) Foshan Dirani Design Furniture Co., Ltd.; (7) Dongguan Jingrui Silicone Technology Co., Ltd.; and (8) Hangzhou Lydia (the “Subject Respondents”). On November 18, 2022, OUII filed a response in support of Purple’s motion. No other responses were filed.

On November 30, 2022, the Chief ALJ issued Order No. 10 (i) finding that each Subject Respondent received notice of the complaint and notice of investigation, yet did not file responses thereto or otherwise participate in this investigation, (ii) directing each Subject

Respondent to show cause, no later than December 16, 2022, as to why it should not be found in default, and (iii) stating that, for a Subject Respondent to be found in default, Purple must show proof of service of Order No. 10 on that Subject Respondent. Order No. 10 at 2-3. None of the Subject Respondents filed a response to Order No. 10.

On December 22, 2022, Purple submitted exhibits demonstrating proof of service of Order No. 10 on four of the eight Subject Respondents: (1) Shenzhen Leadfar Industry Co., Ltd.; (2) Guang Zhou Wen Jie Shang Mao Youxian Gongsu Co., Ltd.; (3) Foshan Dirani Design Furniture Co., Ltd.; and (4) Dongguan Jingru Silicone Technology Co., Ltd. Because none of those four respondents responded to the order to show cause, the Commission found them to be in default. Order No. 16 (Jan. 11, 2023), *unreviewed by Comm'n Notice* (Feb. 8, 2023).

On January 26, 2023, Purple filed proof of service of Order No. 10 on two more of the respondents identified in the order, Shenzhen Shi Mai and Hangzhou Lydia. The Commission has since terminated the investigation as to Shenzhen Shi Mai. Order No. 19 (Feb. 16, 2023), *unreviewed by Comm'n Notice* (Mar. 20, 2023).

On March 8, 2023, the presiding ALJ issued the subject ID (Order No. 21) finding that because Hangzhou Lydia has not responded to the order to show cause, it is in default pursuant to 19 CFR 210.16.

No party filed a petition for review of the subject ID.

The Commission has determined not to review the subject ID.

Respondent Hangzhou Lydia is in default in this investigation.

The Commission voted to approve this determination on March 30, 2023.

The authority for the Commission's determinations is contained in Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: April 3, 2023