

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN BLOOD FLOW RESTRICTION
DEVICES WITH ROTATABLE
WINDLASSES AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1364

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION
AS TO CERTAIN CLAIMS OF U.S. PATENT NO. 7,842,067 BASED ON
WITHDRAWAL OF THE COMPLAINT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 19) issued by the presiding administrative law judge (“ALJ”) terminating the above-captioned investigation as to certain claims of U.S. Patent No. 7,842,067 (“the ’067 patent”).

FOR FURTHER INFORMATION CONTACT: Amanda P. Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-2737. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (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 on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on May 31, 2023, based on a complaint, as supplemented, filed by Composite Resources, Inc. of Rock Hill, South Carolina and North American Rescue, LLC of Greer, South Carolina (collectively, “Complainants”). 88 FR 34893-95 (May 31, 2023). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, sale for importation, or sale in the United States after importation of certain blood flow restriction devices with rotatable windlasses and components thereof that infringe one or more of: claims 1-17 of the ’067 patent, claims 1-30 of the U.S. Patent No. 8,888,807, and claims 1-13 of the U.S. Patent No. 10,016,203; United States Trademark Registration Nos. 3,863,064 and 5,149,328; and trade dress infringement in violation of Section 43(a) of the Lanham Act (15 U.S.C. 1125) the threat or effect of which is to destroy or substantially injure an industry in the United States. *Id.* at 34893-94; *see* Complaint, ¶¶ 9-15.

The Commission’s notice of investigation names thirty respondents. *Id.* at 34894. The Office of Unfair Import Investigations (“OUII”) is also a party to this investigation. *Id.*

On January 23, 2024, Complainants moved to terminate the investigation as to claims 2-3, 5-14, and 17 of the ’067 patent based on withdrawal of the complaint. The motion stated that no party opposed Complainants’ request. On January 24, 2024, OUII filed a statement in support of the motion.

The presiding ALJ issued the subject ID granting the Complainants’ motion to terminate certain claims of the ’067 patent from the investigation. The ID found that Complainants represented that “there are no agreements, written or oral, express or implied, between the parties concerning the subject matter of the Investigation.” ID at 1. The ID also determined that no extraordinary circumstances exist that would prevent the partial termination of the ’067 patent. *Id.* at 2. No party filed a petition for review of the subject ID.

The Commission has determined not to review the subject ID and claims 2, 3, 5-14, and 17 of the ’067 patent are terminated from the investigation.

The Commission vote for this determination took place on February 15, 2024.

The authority for the Commission’s determination 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: February 15, 2024