

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
WITH RESPECT TO A RESPONDENT BASED ON A CONSENT ORDER AND
CONSENT ORDER STIPULATION; ISSUANCE OF A CONSENT ORDER**

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. 13) issued by the presiding administrative law judge (“ALJ”) terminating the above-captioned investigation as to Respondent Express Companies, Inc. (“ECI”) and to issue a consent order.

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 U.S. Patent No. 7,842,067, claims 1-30 of U.S. Patent No. 8,888,807, and claims 1-13 of 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 including ECI of Oceanside,

California. *Id.* at 34894. The Office of Unfair Import Investigations (“OUII”) is also a party to this investigation. *Id.*

On September 21, 2023, Complainants and ECI jointly moved to terminate the investigation as to ECI based on a consent order and consent order stipulation. On September 29, 2023, OUII filed a response in support of the joint motion to terminate.

On October 3, 2023, the presiding ALJ issued the subject ID granting the joint motion to terminate. The ALJ found that the consent order stipulation complied with the requirements of 19 CFR 210.21(c)(3) and the proposed consent order complied with the requirements of 19 CFR 210.21(c)(4). *Id.* at 3. The ALJ further found no public interest concerns weighing against termination of the investigation as to ECI. *Id.* at 2-3. No party filed a petition for review of the subject ID.

The Commission has determined not to review the subject ID and to issue a consent order with respect to ECI. The investigation is hereby terminated with respect to ECI.

The Commission vote for this determination took place on November 2, 2023.

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.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', enclosed in a rectangular box.

Lisa R. Barton
Secretary to the Commission

Issued: November 2, 2023