

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 COMMISSION DECISION NOT TO REVIEW AN INITIAL
DETERMINATION GRANTING IN PART COMPLAINANTS' MOTION FOR
SUMMARY DETERMINATION OF A VIOLATION OF SECTION 337**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 20) of the presiding Administrative Law Judge (“ALJ”) granting in part complainants’ motion for summary determination of a violation of section 337.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708-4716. 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”). *See* 88 FR 34893-95 (May 31, 2023). The complaint, as supplemented, alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”) 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 by reason of: (1) infringement of one or more of claims 1-17 of U.S. Patent No. 7,842,067 (“the ’067 patent”), claims 1-30 of U.S. Patent No. 8,888,807 (“the ’807 patent”), and claims 1-13 of U.S. Patent No. 10,016,203 (“the ’203 patent”); (2) infringement of United States Trademark Registrations Nos. 3,863,064 and 5,046,378; and (3) trade dress infringement in violation of Section 43(a) of the Lanham Act (15 U.S.C. 1125). *Id.* Complainants requested a general exclusion order and cease and desist orders.

The Commission’s notice of investigation named the following respondents: (1) Anping Longji Medical Equipment Factory of Hengshui City, China; Dongguan Si Hai Precision Mold Co., Ltd. of Dongguan, China; Eiffel Medical Supplies Co., Ltd. of Shenzhen, China; Empire State Distributors Inc. (“Empire”) of Brooklyn, New York; EMRN Medical Equipment of LaSalle, Canada; GD Tianwu New Material Tech Co., Ltd. of Guangzhou, China; Hengshui Runde Medical Instruments Co., Ltd. of Hengshui City, China; Putian Dima Trading Co., Ltd. of Putian City, China; Rhino Inc. of Lewes, Delaware; Shanghai Sixu International Freight Agent Co., Ltd. of Shanghai, China; Shenzhen Anben E-Commerce Co., Ltd. of Shenzhen, China; Shenzhen TMI Medical Supplies Co., Ltd. of Shenzhen, China; Shenzhen Yujie Commercial and Trading Co., Ltd. of Shenzhen, China; Wuxi Emsrun Technology Co., Ltd. of Wuxi City, China; Wuxi Golden Hour Medical Technology Co., Ltd. of Wuxi City, China; and Wuxi Puneda Technology Co., Ltd. of Wuxi City, China (collectively, “the Defaulting Respondents”); (2) Chaozhou Jiduo Trading Co., Ltd. of Chaozhou City, China; Dongguan Hongsui Electronic Commerce, Co., Ltd. of Dongguan City, China; Fuzhou Meirun Medical Equipment Technology Co., Ltd. of Fuzhou, China; Henan Eyocean E-Commerce Co., Ltd. of Zhengzhou, China; Huang Xia of Sangzi Town, China; Jingcai Jiang of Shenzhen, China; Shen Yi of Shenzhen, China; Shenzhen Janxle E E Commerce Co. of Shenzhen, China; Shenzhen Smart Medical Co. Ltd. of Shenzhen, China; Sun Minghui of Shenzhen, China; Xia Guo Long of Dongguan City, China; and Yinping Yin of Shenzhen, China (collectively, “the Unserved Respondents”); and (3) Express Companies, Inc. of Oceanside, California and SZY Holdings LLC of Brooklyn, New York (collectively, “the Participating Respondents”). *Id.* The Office of Unfair Import Investigations (“OUII”) is also a party to this investigation. *Id.*

The Commission terminated the Participating Respondents based on the entry of consent orders. *See* Order No. 7 (Aug. 9, 2023), *unreviewed by* Comm’n Notice (Sept. 5, 2023); Order No. 13 (Oct. 3, 2023), *unreviewed by* Comm’n Notice (Nov. 2, 2023). The Commission also terminated the Unserved Respondents based on the withdrawal of the complaint as to those respondents. *See* Order No. 10 (Aug. 22, 2023), *unreviewed by* Comm’n Notice (Sept. 20, 2023).

The Commission terminated the ’807 and ’203 patents in their entirety and claims 2, 3, 5-14, and 17 of the ’067 patent. *See* Order No. 14 (Nov. 2, 2023), *unreviewed by* Comm’n Notice (Dec. 4, 2023); Order No. 19 (Jan. 25, 2024), *unreviewed by* Comm’n Notice (Feb. 15, 2024). The Commission found the Defaulting Respondents in default on September 28, 2023. *See* Order No. 11 (Aug. 29, 2023), *unreviewed by* Comm’n Notice (Sept. 28, 2023).

On December 22, 2023, Complainants filed a motion for summary determination of a violation of section 337 as to the Defaulting Respondents. On January 16, 2024, OUII filed a response in support of the motion with respect to the patent infringement claim but not with respect to the trademark and trade dress infringement claims. OUII also opposed the motion with respect to Empire based on lack of importation.

The ALJ held case management teleconferences on January 26 and February 5, 2024, and on the latter date, Complainants withdrew the motion with respect to the disputed trademark and trade dress infringement claims. *See* ID at 1-2.

On February 7, 2024, the ALJ issued the subject ID (Order No. 20) granting in part Complainants' motion. Specifically, the ID granted the motion with respect to Complainants' patent infringement claim but not with respect to the trademark and trade dress infringement claims, which were withdrawn from the motion. In addition, the ALJ denied the motion with respect to Empire because there is a genuine issue of material fact as to importation with respect to Empire.

No petition for review of the subject ID was filed.

The Commission has determined not to review the subject ID.

The Commission vote for this determination took place on March 6, 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: March 6, 2024