UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of **CERTAIN FLASH-SPUN NONWOVEN MATERIALS AND PRODUCTS CONTAINING SAME**	**Investigation No. 337-TA-1424**

NOTICE OF COMMISSION DETERMINATION TO REVIEW IN PART A FINAL INITIAL DETERMINATION FINDING A VIOLATION OF SECTION 337; REQUEST FOR WRITTEN SUBMISSIONS ON REMEDY, THE PUBLIC INTEREST, AND BONDING

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission ("Commission") has determined to review in part a final initial determination ("FID") of the presiding administrative law judge ("ALJ") finding a violation of section 337 of the Tariff Act of 1930, as amended. The Commission requests written submissions from the parties, interested government agencies, and other interested persons on the issues of remedy, the public interest, and bonding, under the schedule set forth below.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3179. 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, telephone (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on November 21, 2024, based on a complaint filed by DuPont de Nemours, Inc., DuPont Safety & Construction, Inc., and DuPont Specialty Products USA, LLC, all of Wilmington, Delaware (collectively, "DuPont"). 89 FR 92159-60 (Nov. 21, 2024). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based on the importation into the United States, the sale for importation, and the sale within the United States after importation of certain flash-spun nonwoven materials and products containing same by reason of (i) misappropriation of trade secrets and wrongful use and exploitation of stolen confidential and proprietary information, the threat or effect of which is to destroy or substantially injure an industry in the United States, and (ii) infringement of U.S. Trademark Registration Nos. 817,194, 818,688, and 818,737 (collectively, the "TYVEK Word Marks"); and 7,370,316 (the "Blue Octagon Mark"). *Id*. at 92159. The complaint further alleges that a domestic industry exists. *Id*.

The notice of investigation ("NOI") names the following respondents: (1) Dawnsens New-Materials (Xiamen) Co. Ltd. (formerly known as Xiamen Dangs New-Materials Co., Ltd.) of Xiamen, Fujian, China; Beijing Dangsheng Technology Co., Ltd. of Beijing, Beijing, China; and Xiamen

Dangsheng Technology Co., Ltd. of Xiamen, Fujian, China (collectively, "Xiamen Dangs"); (2) Kingwills New Material Technology Co., Ltd. of Nantong, Jiangsu, China; Zhejiang Qingyun New Material Co., Ltd. of Jiaxing, Zhejiang, China; Jiangsu Qingyun New Materials Co., Ltd. AKA Jiangsu Kingwills New Materials Co., Ltd. of Nantong, Jiangsu, China; Shanghai Qingyun New Material Technology Co., Ltd. of Shanghai, Shanghai, China; and Kingwills International Ltd. of Kowloon, Hong Kong, China (collectively, "Kingwills"); (3) Harbourpoint Innovations Inc. ("Harbourpoint") of Raleigh, North Carolina; (4) Shenzhen Zhengming Science and Technology Co., Ltd. ("Shenzhen Zhengming") of Huizhou, Guangdong, China; (5) Emedia Group. Inc. ("Emedia") of Greenville, South Carolina; (6) endur-tec, LLC ("endur-tec") of Anderson, South Carolina; (7) Zhenping County Weihe Commerce and Trade Co., Ltd. ("County Weihe") of Zhenping, Nanyang, China; (8) Impak Corporation ("Impak") of Los Angeles, California; (9) Weifang Konzer Safety Protective Equipment Co., Ltd. ("Weifang Konzer") of Anqiu, Shandong, China; (10) Hangzhou Several Sets of Electronic Commerce Co., Ltd. ("JGT Live") of Yuhang, Hangzhou, China; (11) Hangzhou Qiao Shell Digital Technology Co., Ltd. ("Quoko") of Yuhang, Hangzhou, China; and (12) Jiangsu Tubo New Material Co., Ltd. ("Jiangsu Tubo") of Kunshan, Jiangsu, China. *Id*. at 92159-60. The Office of Unfair Import Investigations is also named as a party to this investigation. *Id*. at 92160.

On February 21, 2025, the Commission terminated the investigation as to respondents Harbourpoint, Shenzhen Zhengming, Emedia, and endur-tec based on consent orders. Order No. 10 (Jan. 22, 2025) (as to Harbourpoint), Order No. 11 (Jan. 22, 2025) (as to Shenzhen Zhengming), and Order No. 12 (Jan. 22, 2025) (as to Emedia and endur-tec), *all unreviewed by* Comm'n Notice (Feb. 21, 2025).

On May 13, 2025, the Commission terminated the investigation as to respondent County Weihe based on withdrawal of the complaint. Order No. 24 (Apr. 22, 2025), *unreviewed by* Comm'n Notice (May 14, 2025).

On May 13, 2025, the Commission amended the complaint and NOI to (i) add allegations of trade secret misappropriation and wrongful use and exploitation of proprietary information against respondents Impak and Jiangsu Tubo, (ii) add TOBO Group d/b/a Jiangsu Tubo ("TOBO Group") of Shanghai, China as a new respondent (collectively, along with Impak, Jiangsu Tubo, Weifang Konzer, JGT Live, and Quoko, the "Downstream Respondents"), (iii) update the addresses for respondents Jiangsu Tubo and JGT Live to reflect where service was effected, and (iv) make certain non-substantive amendments to the complaint. Order No. 25 (Apr. 22, 2025), *unreviewed by* Comm'n Notice (May 14, 2025).

On August 28, 2025, the Commission terminated the investigation as to respondents Xiamen Dangs based on consent orders. Order No. 36 (July 30, 2025), *unreviewed by* Comm'n Notice (Aug. 28, 2025).

On December 3, 2025, the Commission found respondents Weifang Konzer, JGT Live, Quoko, Jiangsu Tubo, and TOBO Group in default in this investigation. Order No. 46 (Sept. 29, 2025), *unreviewed by* Comm'n Notice (Dec. 3, 2025).

On March 24, 2026, the Commission found respondent Impak in default in this investigation. Order No. 71 (Mar. 4, 2026), *aff'd with suppl. findings by* Comm'n Notice (Mar. 24, 2026).

On July 1, 2026, the ALJ issued a combined FID and recommended determination ("RD") on remedy and bonding. The FID finds violations of section 337 as to (i) Kingwills based on the misappropriation of DuPont trade secrets TS-15 and TS-18 and the conversion of certain confidential DuPont documents, and (ii) certain Downstream Respondents—Jiangsu Tubo/TOBO Group, JGT Live, and Quoko—based on infringement of the TYVEK Word Marks. The FID does not find a violation as to Kingwills based on the misappropriation of DuPont trade secrets TS-11, TS-17, TS-19, TS-22, or TS-25. As to the Downstream Respondents, the FID does not find a violation (i) as to Impak and Jiangsu Tubo/TOBO Group based on trade secret misappropriation, (ii) as to Impak, Weifang Konzer based on infringement of the TYVEK Word Marks, and (iii) as to any of the Downstream Respondents based on infringement of the Blue Octagon Mark. The FID also finds that DuPont has satisfied (i) the DI requirement of 19 U.S.C. 1337(a)(1)(A), *i.e.*, DuPont has a DI and Kingwills presents a substantial threat to that industry, and (ii) the technical and economic prongs of the DI requirement as to the TYVEK Word Marks under 19 U.S.C. 1337(a)(3)(A) and (B). The RD recommends that, if the Commission determines that a violation of section 337 has occurred, the Commission should: (i) issue a general exclusion order ("GEO") directed to certain flash-spun nonwoven materials and products containing same imported, sold for importation, and/or sold after importation into the United States; (ii) issue, in the alternative to a GEO, a limited exclusion order against the infringing flash-spun nonwoven materials and products containing same imported, sold for importation, and/or sold after importation by Kingwills and the Downstream Respondents; (iii) issue a cease and desist order directed to Impak; and (iv) impose a one hundred percent (100%) bond for importations of infringing products during the period of Presidential review.

On July 13, 2026, Kingwills filed a petition seeking review of certain of the FID's trade secret misappropriation and conversion findings. That same day, DuPont filed a petition seeking review of certain of the FID's trade secret misappropriation findings. On August 11, 2026, DuPont and Kingwills each filed a response opposing the other's petition. That same day, OUII filed a response to each petition.

On July 31, 2026, DuPont filed a submission on the public interest pursuant to Commission Rule 210.50(a)(4) (19 C.F.R. § 210.50(a)(4)). The Commission did not receive a submission from Kingwills. The Commission also received four public interest submissions in response to the Commission's post-RD *Federal Register* notice from Senator Christopher Coons, from Senator Tim Kaine, Senator Mark Warren, and Representative Jennifer McClelland, from Representative Robert Wittman, and from James Pooley. *See* 91 FR 41661-63 (July 7, 2026).

Having reviewed the record of this investigation, including the FID, the parties' submissions to the ALJ, and the parties' petitions for Commission review of the FID and responses thereto, the Commission has determined to review the FID in part. Specifically, the Commission has determined to review (i) the FID's finding that DuPont failed to show that Kingwills misappropriated trade secret TS-17, (ii) the FID's finding that DuPont failed to show a nexus between Kingwills' misappropriation of trade secret TS-22 and a threatened injury to DuPont's DI, and (iii) the FID's finding that a nexus exists between Kingwills' conversion of certain DuPont confidential documents and the threatened injury to DuPont's DI. The Commission has determined not to review the remaining findings in the FID.

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia,* (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337-TA-360, USITC Pub. No. 2843, Comm'n Op. at 7-10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and cease and desist orders would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's determination. *See* Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

WRITTEN SUBMISSIONS: Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy and bonding.

In its initial written submission, DuPont is also requested to identify the remedy sought and to submit proposed remedial orders for the Commission's consideration. DuPont is further requested to provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the products at issue in this investigation. All initial written submissions, from the parties and/or third parties/interested government agencies, and proposed remedial orders from DuPont must be filed no later than close of business on **October 5, 2026**. All reply submissions must be filed no later than the close of business on **October 13, 2026**. Opening submissions from the parties are limited to **25** pages. Reply submissions from the parties are limited to **15** pages. All submission from third parties and/or interested government agencies are limited to **10** pages. No further submissions on any of these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (Inv. No. 337-TA-1424) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed with the Commission and served on any parties to the investigation within two business days of any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on September 21, 2026.

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: September 21, 2026