

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN UNIVERSAL GOLF CLUB
SHAFT AND GOLF CLUB HEAD
CONNECTION ADAPTORS, CERTAIN
COMPONENTS THEREOF, AND
PRODUCTS CONTAINING THE SAME**

Investigation No. 337-TA-1320

**NOTICE OF A COMMISSION DETERMINATION TO ISSUE A LIMITED
EXCLUSION ORDER; TERMINATION OF THE INVESTIGATION**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined to issue a limited exclusion order (“LEO”) barring entry of certain universal golf club shaft and golf club head connection adapters, certain components thereof, and products containing the same that are imported on or behalf of defaulting respondent Top Golf Equipment Co. Limited (“Top Golf”) of Shenzhen, GuangDong, China. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, D.C. 20436, telephone 202-205-2392. 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 June 27, 2022, based on a complaint filed on behalf of Club-Conex, LLC (“Club-Conex”) of Scottsdale, Arizona. 87 FR 38179 (Jun. 27, 2022). 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, the sale for importation, or the sale within the United States after importation of certain universal golf club shaft and golf club head connection adapters, certain components thereof, and products containing the same by reason of the infringement of claims 1-5 and 8-14 of U.S. Patent No. 7,857,709 (“the ’709 patent”) and claims 1-16 of U.S.

Patent No. 8,562,454 (“the ’454 patent”). *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission’s notice of investigation named Top Golf of China as the sole respondent. *Id.* The Office of Unfair Import Investigations (“OUII”) is participating in the investigation. *Id.*

On August 16, 2022, the ALJ issued Order No. 6 pursuant to Commission Rule 210.16, 19 CFR 210.16, directing respondent Top Golf to show cause why it should not be found in default and why judgment should not be rendered against it for failing to respond to the complaint and notice of investigation. Order No. 6 directed Top Golf to make any showing of good cause by no later than August 31, 2022. Top Golf did not respond to Order No. 6.

On September 26, 2022, the ALJ issued Order No. 7, finding Top Golf in default pursuant to Commission Rule 210.16. On October 20, 2022, the Commission determined not to review Order No. 7, and the Commission solicited briefing from the parties, interested government agencies, and the public on remedy, the public interest, and bonding. Notice, 87 FR 64185, 64186 (Oct. 26, 2022).

On November 3, 2022, Club-Conex and OUII each filed a submission in response to the Commission’s notice, and on November 10, 2022, OUII filed a response to Club-Conex’s submission. No other submissions were received.

Club-Conex and OUII agree that an LEO is appropriate. They also agree that the statutory public-interest factors of 19 U.S.C. 1337(g)(1) do not preclude issuance of an LEO, and that bond during the Presidential review period be set at one hundred percent (100%) of the entered value of the imported articles that are subject to the LEO.

When the conditions in section 337(g)(1)(A)-(g)(1)(E) (19 U.S.C. 1337(g)(1)(A)-(g)(1)(E)) have been satisfied, section 337(g)(1) and Commission Rule 210.16(c) (19 CFR 210.16(c)) direct the Commission, upon request, to issue a limited exclusion order or a cease and desist order or both against a respondent found in default, based on the allegations regarding a violation of section 337 in the Complaint, which are presumed to be true, unless after consideration of the public interest factors in section 337(g)(1), it finds that such relief should not issue.

Having examined the record of this investigation, including the submissions in response to the Commission’s notice, the Commission has determined pursuant to subsection 337(g)(1) that the appropriate remedy in this investigation is an LEO prohibiting the unlicensed entry of certain universal golf club shaft and golf club head connection adapters, certain components thereof, and products containing the same that infringe claims 1-5 and 8-14 of the ’709 patent and claims 1-16 of the ’454 patent, and that are imported by or on behalf of Top Golf. The Commission has determined that the public interest factors enumerated in subsection 337(g)(1) do not preclude the issuance of the LEO. The Commission has further determined that the bond during the period of Presidential review pursuant to section 337(j) (19 U.S.C. 1337(j)) shall be in the amount of one hundred percent (100%) of the entered value of the imported articles that are subject to the LEO. The investigation is terminated.

The Commission vote for this determination took place on December 15, 2022.

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).

While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the Complainant complete service for any party/parties without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

By order of the Commission.



Katherine M. Hiner
Acting Secretary to the Commission

Issued: December 15, 2022