

U.S. Customs and Border Protection



REVOCATION OF RULING LETTER AND REVOCATION OF TREATMENT RELATING TO THE TARIFF CLASSIFICATION OF A CERTAIN ROLLING COOLER BAG WITH DETACHABLE TOTE BAG

AGENCY: U.S. Customs and Border Protection; Department of Homeland Security.

ACTION: Notice of revocation of a ruling letter and revocation of treatment relating to tariff classification of a rolling cooler bag with detachable tote bag.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. §1625 (c)), as amended by Section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub.L. 103–182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) is revoking one ruling letter relating to the tariff classification of a certain rolling cooler with detachable tote bag under the Harmonized Tariff Schedule of the United States (HTSUS). CBP is also revoking any treatment previously accorded by CBP to substantially identical transactions. Notice of the proposed action was published in the *Customs Bulletin*, Vol. 44, No. 24, on June 9, 2010. No comments were received in response to the notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after November 22, 2010.

FOR FURTHER INFORMATION CONTACT: Greg Connor, Tariff Classification and Marking Branch: (202) 325–0025.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On December 8, 1993 Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057) (hereinafter “Title VI”), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are

“informed compliance” and **“shared responsibility.”** These concepts are premised on the idea that in order to maximize voluntary compliance with customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on CBP to provide the public with improved information concerning the trade community’s responsibilities and rights under the customs and related laws. In addition, both the trade and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. §1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, a notice was published in the *Customs Bulletin*, Vol. 44, No. 24, on June 9, 2010, proposing to revoke New York Ruling Letter (NY) N022627, February 27, 2008, in which CBP determined that the subject rolling cooler bag and the detachable tote bag were classified as two separate products in heading 4202, HTSUS. The rolling cooler bag was classified under subheading 4202.92.0807, HTSUS (2008), which provides for, in pertinent part: “...traveling bags, insulated food or beverage bags... of textile materials...: Other: With outer surface of sheeting of plastic or textile materials: Insulated food or beverage bags: With outer surface of textile materials: Other... Of man-made fibers”. The tote bag was separately classified under subheading 4202.92.3031, HTSUS (2008), which provides for, in pertinent part: “...traveling bags... and similar containers... of textile materials...: Other: With outer surface of sheeting of plastic or textile materials: Travel, sports and similar bags: With outer surface of textile materials: Other... Other: Of man-made fibers: Other”. No comments were received in response to the notice.

As stated in the proposed notice, this action will cover any rulings on the subject merchandise which may exist but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the ruling identified above. Any party who has received an interpretive ruling or decision (*i.e.*, ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice should have advised CBP during the comment period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. §1625 (c)(2)), as amended by section 623 of Title VI, CBP is revoking any treatment previously accorded by CBP to substantially

identical transactions. Any person involved with substantially identical transactions should have advised CBP during the comment period. An importer's failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice, may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of this final decision.

Pursuant to 19 U.S.C. §1625(c)(1), CBP is revoking NY N022627 to reflect the proper tariff classification of this merchandise under sub-heading 4202.92.1000, HTSUS, which provides for, in pertinent part: "...traveling bags, insulated food or beverage bags... of textile materials...: Other: With outer surface of sheeting of plastic or textile materials: Insulated food or beverage bags: Other...", pursuant to the analysis set forth in Headquarters Ruling Letter H025873, which is attached to this document. Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is revoking any treatment previously accorded by it to substantially identical transactions.

In accordance with 19 U.S.C. §1625(c), this ruling will become effective 60 days after publication in the *Customs Bulletin*.

Dated: September 3, 2010

IEVA K. O'ROURKE
for

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division

HQ H025873

September 3, 2010

CLA-2 OT:RR:CTF:TCM H025873 GC

CATEGORY: Classification

TARIFF NO.: 4202.92.1000

DANIEL GLUCK, Esq.

SERKO, SIMON, GLUCK AND KANE, LLP

1700 BROADWAY, 31st FLOOR

NEW YORK CITY, NEW YORK 10019

RE: Request for reconsideration of NY N022627; Tariff classification of a rolling cooler bag with detachable tote bag

DEAR MR. GLUCK:

This letter is in reference to your request, dated April 3, 2008, on behalf of California Innovations, Inc. (California Innovations), for reconsideration of NY N022627, dated February 27, 2008, concerning the classification of a rolling cooler bag with a detachable tote bag under the Harmonized Tariff Schedule of the United States (HTSUS).

In NY N022627, the National Commodity Specialist Division of U.S. Customs and Border Protection (CBP) classified the rolling cooler bag under subheading 4202.92.0807, HTSUS (2008), which provides for, in pertinent part: "...traveling bags, insulated food or beverage bags... of textile materials...: Other: With outer surface of sheeting of plastic or textile materials: Insulated food or beverage bags: With outer surface of textile materials: Other... Of man-made fibers". The tote bag was separately classified under subheading 4202.92.3031, HTSUS (2008), which provides for, in pertinent part: "...traveling bags... and similar containers... of textile materials...: Other: With outer surface of sheeting of plastic or textile materials: Travel, sports and similar bags: With outer surface of textile materials: Other... Other: Of man-made fibers: Other". The provisions are unchanged in the 2010 version of the HTSUS. Pursuant to your reconsideration request and your supplemental submission of April 15, 2008, we have reviewed NY N022627 and find it to be in error.

Notice of the proposed action was published in the *Customs Bulletin*, Vol. 44, No. 24, on June 9, 2010. No comments were received in response to the notice.

FACTS:

In NY N022626, CBP described the rolling cooler bag, in pertinent part, as a soft-sided insulated cooler bag with wheels, the outer surface of which is constructed of both man-made textile material and polyvinyl chloride (PVC) plastic sheeting. The ruling states that the man-made textile material covers the majority of the total outer surface area of the rolling cooler bag. You have since clarified that the rolling cooler bag is not composed of a man-made textile material, but of vinyl. Consequently, the rolling cooler bag would be independently classified under subheading 4202.92.1000, HTSUS, which provides for, in pertinent part: "...traveling bags, insulated food or beverage bags... of textile materials...: Other: With outer surface of sheeting of plastic or textile materials: Insulated food or beverage bags: Other".

The cooler bag measures approximately 14 inches (width) by 14 inches (height) by 11 inches (depth), and features an insulated interior with a

removable plastic lining. There are also two pockets on the side of the cooler bag, the flaps of which are closed via hook-and-loop strips. It can be lifted using two handles, which are connected by a padded strap, or it can be rolled using the retractable handle. The top section of the cooler bag has a zippered storage compartment for storing a removable nylon tote bag.

The nylon tote bag, when removed from its compartment, has approximately the same measurements as the rolling cooler bag and features a drawstring closure and webbed shoulder straps. When used to carry other materials, the tote bag can be carried separately by the shoulder straps or attached to the cooler by means of four hook-and-loop strips, which attach the bottom of the tote bag to the top of the cooler, and two plastic "S" clips, which attach to two hooks located on the cooler's retractable handle.

In your request to reconsider NY N022627, you argue that the cooler and tote bag are classifiable together as a composite good, with the cooler imparting the merchandise with its essential character.

ISSUE:

Are the rolling cooler bag and detachable tote bag classified together as a composite good or a set per GRI 3? If so, which component, if any, imparts the whole with its essential character?

LAW AND ANALYSIS:

Classification under the HTSUS is made in accordance with the General Rules of Interpretation (GRIs). GRI 1 provides that the classification of goods shall be determined according to the terms of the headings of the tariff schedule and any relative section or chapter notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRIs 2 through 6 may then be applied in order.

The HTSUS provisions under consideration are as follows:

- 4202 Trunks, suitcases, vanity cases, attaché cases, briefcases, school satchels, spectacle cases, binocular cases, camera cases, musical instrument cases, gun cases, holsters and similar containers; traveling bags, insulated food or beverage bags, toiletry bags, knapsacks and backpacks, handbags, shopping bags, wallets, purses, map cases, cigarette cases, tobacco pouches, tool bags, sports bags, bottle cases, jewelry boxes, powder cases, cutlery cases and similar containers, of leather or of composition leather, of sheeting of plastics, of textile materials, of vulcanized fiber or of paperboard, or wholly or mainly covered with such materials or with paper:
- Other:
- 4202.92 With outer surface of sheeting of plastic or of textile materials:
- Insulated food and beverage bags:
- 4202.92.1000 Other...
- * * *
- Travel sports and similar bags:
- With outer surface of textile materials:
- 4202.92.30 Other...
- 4202.92.3031 Other

Initially we note that both the rolling cooler bag and the detachable tote bag fit within the scope of heading 4202, HTSUS. The cooler bag is *eo nomine* provided for in the heading. See Headquarters Ruling Letter (HQ) H018503, dated January 31, 2008; HQ 962817, dated January 14, 2002. Because the outer surface of the rolling cooler bag is composed of vinyl and not of a man-made woven textile material, the tariff classification of the rolling cooler bag in NY N022627 is incorrect. Accordingly, if imported separately, the rolling cooler bag would be classified in subheading 4202.92.1000, HTSUS, which provides for, in pertinent part: "...traveling bags, insulated food or beverage bags... of textile materials...: Other: With outer surface of sheeting of plastic or textile materials: Insulated food or beverage bags: Other".

The tote bag is similar to the travel and sports bags described in heading 4202, HTSUS, in that it is designed to organize, store, protect and carry various items. See HQ 957116, dated February 23, 1995 and HQ 960201, dated February 20, 1997. If imported separately, it would be classified under subheading 4202.92.3031, HTSUS, which provides for, in pertinent part: "...traveling bags... and similar containers... of textile materials...: Other: With outer surface of sheeting of plastic or textile materials: Travel, sports and similar bags: With outer surface of textile materials: Other... Other: Of man-made fibers: Other".

Classification of merchandise within heading 4202, HTSUS, implicates GRI 6, which states:

For legal purposes, the classification of goods in the subheading of a heading shall be determined according to the terms of those subheadings and any related subheading notes and, *mutatis mutandis*, to the above rules, on the understanding that only subheadings at the same level are comparable. For the purposes of this rule, the relative section, chapter and subchapter notes also apply, unless the context otherwise requires.

GRI 3, which governs the classification of composite goods and sets, states, in pertinent part:

When, by application of rule 2(b) or for any other reason, goods are, *prima facie*, classifiable under two or more headings [or subheadings], classification shall be effected as follows:

* * *

(b) Mixtures, composite goods consisting of different materials or made up of different components, and goods put up in sets for retail sale, which cannot be classified by reference to 3(a), shall be classified as if they consisted of the material or component which gives them their essential character, insofar as this criterion is applicable.

The Harmonized Commodity Description and Coding System Explanatory Notes (ENs), constitute the official interpretation of the tariff at the international level. While neither legally binding nor dispositive, the ENs provide a commentary on the scope of each heading of the HTSUS and are generally indicative of the proper interpretation of the headings. See T.D. 89-80, 54 Fed. Reg. 35127-28 (Aug. 23, 1989).

Section (IX) of the EN to GRI 3 states the following:

For the purposes of this Rule, composite goods made up of different components shall be taken to mean not only those in which the components are attached to each other to form a practically inseparable whole but also those with separable components, **provided** these components are adapted one to the other and are mutually complementary and that together they form a whole which would not normally be offered for sale in separate parts. (Emphasis in original)

The fact that the cooler bag and tote bag are separable raises the issue of whether they are sufficiently adapted to each other and mutually complementary so as to form a composite good within the meaning of GRI 3. The two items are adapted to one another in the sense that when not in use, the tote bag is stored in zippered pocket located on the top of the lid of the rolling cooler bag. Likewise, the rolling cooler bag and tote bag are designed to be used together through the hook and loop strips and “S” clips, which attach the tote bag to the top of the rolling cooler bag and the hooks on the retractable handle. This serves as an indication that the tote bag is intended to be used to carry items complementary to the food preserved in the cooler bag (i.e. non-perishable food, beach supplies, tailgating items, etc.). While a rolling cooler bag and tote bag could generally be sold separately, the fact that these particular items are particularly adapted to be used in conjunction with one another leads to the conclusion that they combine to form a whole that would not normally be offered for sale in separate parts. *See* HQ 962297, dated April 5, 2002 (where CBP found that a cooler bag and a detachable seat cushion of a similar size and with special features indicating simultaneous use formed a composite good); *see also* HQ 953523, dated April 22, 1993 and HQ 953705, dated March 2, 1993. Accordingly, we find that the subject merchandise is a composite good described by GRI 3.

As stated in GRI 3(b), a composite good is to be classified according to the material or component that imparts the good with its essential character. In its discussion concerning “essential character,” the EN to GRI 3(b) states that:

The factor which determines essential character will vary as between different kinds of goods. It may, for example, be determined by the nature of the material or component, its bulk, quantity, weight or value, or by the role of a constituent material in relation to the use of the goods.

While we were not provided with information on the value of each component, the complex construction of the rolling cooler bag in relation to the tote bag indicates that its value predominates. These same features, such as the sturdy frame, insulated layer and removable plastic lining, cause the rolling cooler bag to be bulkier and heavier than the tote bag component. Finally, due to its capability to preserve food for a period of time, the rolling cooler bag performs the most important role of the two components with respect to overall use of the composite good. The fact that the tote bag is designed to collapse within a compartment of the rolling cooler bag and then attach to the rolling cooler bag when desired evinces an ancillary role. Thus, we find that the rolling cooler bag component imparts the subject merchandise with its essential character.

HOLDING:

By application of GRI 1, the rolling cooler bag and detachable tote bag are classified in heading 4202, HTSUS, which provides for, in pertinent part: "...traveling bags, insulated food or beverage bags... and similar containers... of textile materials". By application GRI 6 and GRI 3(b), the subject merchandise is specifically provided for in subheading 4202.92.1000, HTSUS, which provides for, in pertinent part: "...traveling bags, insulated food or beverage bags... of textile materials...: Other: With outer surface of sheeting of plastic or textile materials: Insulated food or beverage bags: Other". The column one, general rate of duty is 3.4 percent *ad valorem*.

Duty rates are provided for your convenience and subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on the World Wide Web at *www.usitc.gov*.

EFFECT ON OTHER RULINGS:

NY N022627, February 27, 2008, is hereby REVOKED.

In accordance with 19 U.S.C. §1625(c), this ruling will become effective 60 days after its publication in the *Customs Bulletin*.

Sincerely,

IEVA K. O'ROURKE

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

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**REVOCATION OF RULING LETTER AND REVOCATION OF
TREATMENT RELATING TO THE TARIFF
CLASSIFICATION OF A CERTAIN LABELING TOOL**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of revocation of a ruling letter and treatment relating to tariff classification of the "ID Pal™" labeling tool.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. §1625 (c)), as amended by Section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub.L. 103–182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) is revoking one ruling letter relating to the tariff classification of the "ID Pal™" labeling tool under the Harmonized Tariff Schedule of the United States (HTSUS). CBP is also revoking any treatment previously accorded by CBP to substantially identical transactions. Comments are invited on the correctness of the proposed actions. Notice

of the proposed action was published in the *Customs Bulletin*, Vol. 44, No. 14, on March 31, 2010. No comments were received in response to the notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after November 22, 2010.

FOR FURTHER INFORMATION CONTACT: Greg Connor, Tariff Classification and Marking Branch: (202) 325-0025.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1993, Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057) (hereinafter “Title VI”), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are “**informed compliance**” and “**shared responsibility**.” These concepts are premised on the idea that in order to maximize voluntary compliance with customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on CBP to provide the public with improved information concerning the trade community’s responsibilities and rights under the customs and related laws. In addition, both the trade and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. §1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, a notice was published in the *Customs Bulletin*, Vol. 44, No. 14, on March 31, 2010, proposing to revoke New York Ruling Letter (NY) J83032, dated April 25, 2003, in which CBP classified the “ID Pal™” labeling tool under heading 9611, HTSUS (2003), which provided for, in pertinent part: “[d]ate, sealing or numbering stamps and the like, (including devices for printing or embossing labels), designed for operating in the hand...”. No comments were received in response to the notice. As stated in the proposed notice, this revocation will cover any rulings on the subject merchandise which may exist but have not been specifically identified. CBP has undertaken reasonable efforts to search

existing databases for rulings in addition to the ruling identified above. Any party who has received an interpretive ruling or decision (*i.e.*, ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice should have advised CBP during the comment period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. §1625 (c)(2)), as amended by section 623 of Title VI, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Any person involved with substantially identical transactions should have advised CBP during the comment period. An importer's failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice, may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of this final decision.

Pursuant to 19 U.S.C. §1625(c)(1), CBP is revoking NY J83032 to reflect the proper tariff classification of this merchandise under heading 8443, HTSUS, which provides for, in pertinent part: "...other printers, copying machines and facsimile machines, whether or not combined...", pursuant to the analysis set forth in Headquarters Ruling Letter H011692, which is attached to this document. Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is revoking any treatment previously accorded by it to substantially identical transactions.

In accordance with 19 U.S.C. §1625(c), this ruling will become effective 60 days after publication in the *Customs Bulletin*.

Dated: September 3, 2010

IEVA K. O'ROURKE
for

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division

Attachment

HQ H011692

September 3, 2010

CLA-2 OT:RR:CTF:TCM H011692 GC

CATEGORY: Classification

TARIFF NO.: 8443.39.90

MR. GRANT SMITH
TRADE COMPLIANCE SPECIALIST
BRADY CORPORATION
6555 WEST GOOD HOPE ROAD
MILWAUKEE, WISCONSIN 53223

RE: Tariff classification of ID Pal™ labeling tool; Revocation of NY J83032

DEAR MR. SMITH:

This letter is in response to your request, dated April 26, 2007, on behalf of your company, Brady Corporation, for U.S. Customs and Border Protection (CBP) to reconsider New York Ruling Letter (NY) J83032, dated April 25, 2003. NY J83032 concerns the tariff classification under the Harmonized Tariff Schedule of the United States (HTSUS) of the ID Pal™ labeling tool imported by your company. We have reviewed NY J83032 and find it to be in error. Notice of the proposed action was published in the *Customs Bulletin*, Vol. 44, No. 14, on March 31, 2010. No comments were received in response to the notice.

FACTS:

The “ID Pal™” labeling tool was described in NY J83032 as a hand-held thermal transfer printer of specialized labeling materials that weighs approximately 1.2 pounds. Your written submission and the provided sample indicate that the “ID Pal™” is powered either by six AA batteries or through an AC adapter that is sold separately. It features an LCD screen and one cartridge of label paper, which is adhesive on one side. The device is capable of printing labels incorporating different font sizes on multiple lines. It is specifically designed for use in field operations such as wire and cable marking, on electrical patch and control panel surfaces, storerooms and tool cribs, and in maintenance/engineering, electrical data communications and laboratory applications.

ISSUE:

Whether the subject merchandise is classified in heading 9611, HTSUS, which provides for, in pertinent part, “date, sealing or numbering stamps, and the like”, or in heading 8443, HTSUS, which provides for “other printers”?

LAW AND ANALYSIS:

Classification under the HTSUS is made in accordance with the General Rules of Interpretation (GRIs). GRI 1 provides that the classification of goods shall be determined according to the terms of the headings of the tariff schedule and any relative section or chapter notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRIs 2 through 6 may then be applied in order.

The HTSUS provisions under consideration in this case are as follows:

8443	Printing machinery used for printing by means of plates, cylinders and other printing components of heading 8442; other printers, copying machines and facsimile machines, whether or not combined; parts and accessories thereof:
8443.39	Other:
8443.39.90	Other...
	* * *
9611.00.00	Date, sealing or numbering stamps and the like, (including devices for printing or embossing labels), designed for operating in the hand; hand-operated composing sticks and hand printing sets incorporating such composing sticks:

The Harmonized Commodity Description and Coding System Explanatory Notes (ENs), though not dispositive or legally binding, provide commentary on the scope of each heading of the HTSUS, and are the official interpretation of the Harmonized System at the international level. CBP believes the ENs should always be consulted. *See* T.D. 89-90, 54 Fed. Reg. 35127, 35128 (Aug. 23, 1989).

In its discussion of “printers”, EN 84.43(II)(A) states the following, in pertinent part:

This group includes apparatus for the printing of text, characters or images on print media, other than those that are described in Part (I) above.

These apparatus accept data from various sources (e.g., automatic data processing machines, flatbed desktop scanners, networks). Most incorporate memory to store that data.

The products of this heading may create the characters or images by means such as laser, ink-jet, dot matrix or thermal print processes.

* * *

This heading **excludes** :

* * *

(k) Hand-operated label embossers of **heading 96.11**.

(Emphasis in original).

EN 96.11 states, in pertinent part, that:

This heading covers date, sealing and similar stamps and composing sticks, **provided** they are of a type designed to be used independently in the hand. (Date, sealing and similar stamps incorporating a base for fixing on a table, desk, etc., or designed for operating on a stand are **excluded** - *see* the Explanatory Note to **heading 84.72**.)

(Emphasis in original).

The text of heading 9611, HTSUS, indicates that items covered by the heading are handheld “stamps” and similar articles. The parenthetical in the text of heading 9611, HTSUS, which reads, “including devices for printing or embossing labels”, clarifies that heading 9611, HTSUS, covers devices that

print or emboss labels by stamping. In its discussion of the scope of heading 9611, HTSUS, EN 96.11 confirms that the heading covers “date, sealing and similar stamps” that are designed to be used independently in the hand. The instant “ID Pal™” is a handheld labeling tool used to print labels; it is not a stamp or similar to a stamp. It incorporates a thermal transfer printer to create labels of differing sizes and fonts. This operation falls outside the scope of heading 9611, HTSUS, which only provides for stamps and similar items.

Heading 8443, HTSUS, is an *eo nomine* provision for printers and printing machinery. *Eo Nomine* provisions provide for all articles named in the legal text unless specifically excluded. No type of printer is excluded from heading 8443, HTSUS. Furthermore, the function of the subject merchandise falls within the operation described in EN 84.43(II)(A). Specifically, the instant “ID Pal™” labeling tool incorporates a thermal transfer printer to print text onto print media. Accordingly, it is specifically provided for in heading 8443, HTSUS, as an “other printer”.

HOLDING:

By application of GRI 1, the subject “ID Pal™” labeling tool is classified in heading 8443, HTSUS, and is specifically provided for in subheading 8443.39.90, HTSUS, which provides for, in pertinent part: “...other printers, copying machines and facsimile machines, whether or not combined...: Other: Other...”. The general, column one 2009 rate of duty is free.

Duty rates are provided for your convenience and subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on the World Wide Web at www.usitc.gov.

EFFECT ON OTHER RULINGS:

NY J83032, dated April 25, 2003, is hereby revoked.

In accordance with 19 U.S.C. §1625(c), this ruling will become effective 60 days after its publication in the Customs Bulletin.

Sincerely,

IEVA K. O’ROURKE

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

**MODIFICATION OF RULING LETTER AND REVOCATION
OF TREATMENT RELATING TO THE TARIFF
CLASSIFICATION OF DONEPEZIL HYDROCHLORIDE**

AGENCY: U.S. Customs and Border Protection; Department of Homeland Security.

ACTION: Notice of modification of one ruling letter and revocation of treatment relating to the tariff classification of donepezil hydrochloride.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625 (c)), as amended by Section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub.L. 103–182, 107 Stat. 2057), this notice advises interested parties that Customs and Border Protection (CBP) is modifying New York Ruling Letter (NY) N044081, dated November 21, 2008, relating to the tariff classification of Donepezil Hydrochloride under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Notice of the proposed action was published in the *Customs Bulletin* Vol. 44, No. 24, on June 9, 2010. CBP received no comments in response to the notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after November 22, 2010.

FOR FURTHER INFORMATION CONTACT: Claudia Garver, Tariff Classification and Marking Branch: (202) 325–0024

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1993 Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057) (hereinafter “Title VI”), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are “**informed compliance**” and “**shared responsibility**.” These concepts are premised on the idea that in order to maximize voluntary compliance with customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on CBP to provide the public with improved information concerning the trade community’s responsibilities and rights under the customs and related laws. In addition, both the trade and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. §1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, notice proposing to modify NY N044081 was published on June 9, 2010, in Volume 44,

Number 24, of the *Customs Bulletin*. CBP received no comments in response to the notice.

As stated in the proposed notice, this action will cover any rulings on the subject merchandise which may exist but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the ruling identified above. Any party who has received an interpretive ruling or decision (*i.e.*, ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice should have advised CBP during the comment period.

Similarly, pursuant to section 625 (c)(2), Tariff Act of 1930, as amended (19 U.S.C. 1625 (c)(2)), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should have advised CBP during this notice period. An importer's failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice, may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of this final decision.

In NY N044081, CBP determined that donepezil hydrochloride was classified in subheading 2933.39.31, HTSUS, which provides for "Heterocyclic compounds with nitrogen hetero-atom(s) only: Compounds containing an unfused pyridine ring (whether or not hydrogenated) in the structure: Other: Other: Drugs: Antidepressants, tranquilizers and other psychotherapeutic agents."

Pursuant to 19 U.S.C. 1625(c)(1), CBP is modifying NY N044081, in order to reflect the proper classification of donepezil hydrochloride according to the analysis contained in Headquarters Ruling Letter (HQ) H048947, which is attached to this document. Additionally, pursuant to 19 U.S.C. 1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions.

Dated: September 3, 2010

IEVA K. O'ROURKE
for

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division

Attachments

HQ H048947

September 3, 2010

CLA-2 OT:RR:CTF:TCM H048947 CkG

CATEGORY: Classification

TARIFF NO.: 2933.39.41

MS. INGE FORSTENZER
 REN-PHARM INTERNATIONAL, LTD.
 350 JERICHO TURNPIKE, SUITE 204
 JERICHO, NY 11753

Re: Modification of NY N044081; classification of donepezil hydrochloride

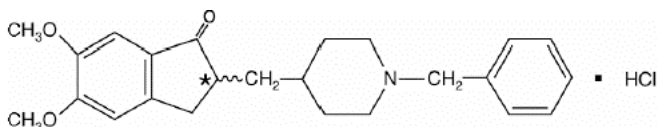
DEAR MS. FORSTENZER,

This is in reference to New York Ruling Letter (NY) N044081, issued by the Customs and Border Protection (CBP) National Commodity Specialist Division on November 21, 2008, regarding the classification under the Harmonized Tariff Schedule of the United States (HTSUS) of the drugs donepezil hydrochloride and Exenatide. We have reconsidered this decision, and for the reasons set forth below, have determined that classification of donepezil hydrochloride in subheading 2933.39.31, HTSUS, as an antidepressant, tranquilizer or other psychotherapeutic agent, is incorrect.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, notice proposing to revoke NY N044081 was published on June 9, 2010, in Volume 44, Number 24, of the *Customs Bulletin*. CBP received no comments in response to the notice.

FACTS:

Donepezil Hydrochloride (CAS # 120011-70-3), is the salt of Donepezil (CAS 120014-06-4), with a chemical formula of $C_{24}H_{29}NO_3HCl$. It is a reversible inhibitor of the enzyme acetylcholinesterase. It is indicated for the treatment of mild to moderate dementia in patients with Alzheimer's Disease, and imported in bulk form. Its chemical structure is included in the diagram below:



ISSUE:

Whether donepezil hydrochloride is classifiable in subheading 2933.39.31, HTSUS, as an antidepressant, tranquilizers or other psychotherapeutic agent, or in subheading 2933.39.41, as an "other" drug of heading 2933.

LAW AND ANALYSIS:

Merchandise is classifiable under the Harmonized Tariff Schedule of the United States (HTSUS) in accordance with the General Rules of Interpretation (GRIs). GRI 1 provides that classification shall be determined according to the terms of the headings and any relative section or chapter notes and, provided such headings or notes do not otherwise require, according to the

remaining GRIs 2 through 6. GRI 6, HTSUS, requires that the GRI's be applied at the subheading level on the understanding that only subheadings at the same level are comparable. The GRI's apply in the same manner when comparing subheadings within a heading.

The HTSUS provisions under consideration are as follows:

- 2933: Heterocyclic compounds with nitrogen hetero-atom(s) only:
 - Compounds containing an unfused pyridine ring (whether or not hydrogenated) in the structure:
 - 2933.39: Other:
 - Other:
 - Drugs:
 - 2933.39.31: Antidepressants, tranquilizers and other psychotherapeutic agents.....
 - 2933.39.41: Other.....
- * * * *

The introductory language to Table 1 of the HTSUS Pharmaceutical Appendix states:

This table enumerates products described by International Non-proprietary Names (INN) which shall be entered free of duty under general note 13 to the tariff schedule...

DONEPEZIL 120014-06-4

The introductory language to Table 2 of the HTSUS Pharmaceutical Appendix states:

Salts, esters and hydrates of the products enumerated in table 1 above that contain in their names any of the prefixes or suffixes listed below shall also be entered free of duty under general note 13 to the tariff schedule, provided that any such salt, ester or hydrate is classifiable in the same 6-digit tariff provision as the relevant product enumerated in table 1.

...

HYDROCHLORIDE

* * * *

Heading 2933, HTSUS, provides for heterocyclic compounds with nitrogen hetero-atom(s) only. Heterocyclic compounds are *organic compounds* containing at least one atom of *carbon*, and at least one element other than carbon, such as *sulfur*, *oxygen* or *nitrogen* within a ring structure. These structures may comprise either *simple aromatic rings* or non-aromatic rings. Donepezil hydrochloride is composed of multiple carbon rings, one of which includes a nitrogen atom. Donepezil is thus a heterocyclic compound classifiable in heading 2933, HTSUS. Donepezil hydrochloride further contains an unfused pyridine ring (a six-membered ring of five carbon atoms and one nitrogen atom), and is thus classifiable at the six-digit level in subheading 2933.39, HTSUS. The issue arises at the eight-digit tariff rate level.

In NY N044081, CBP classified the subject merchandise in subheading 2933.39.31, HTSUS. However, donepezil does not act as an antidepressant, tranquilizer, or psychotherapeutic agent. Rather, it is used to improve cognitive function and slow the progression of dementia due to Alzheimer's disease. As an inhibitor of the enzyme acetylcholinesterase, donepezil inhibits the *cholinesterase enzyme* from breaking down *acetylcholine*, increasing both the level and duration of action of the *neurotransmitter* acetylcholine, which is thought to excite neuronal activity in certain areas of the brain, and to play a role in learning and short-term memory. Thus, the appropriate classification for donepezil hydrochloride at the eight-digit subheading level is 2933.39.41, HTSUS.

HOLDING:

By application of GRI 1 and 6, donepezil hydrochloride is classified in subheading 2933.39.41, HTSUS, which provides for "Heterocyclic compounds with nitrogen hetero-atom(s) only: Compounds containing an unfused pyridine ring (whether or not hydrogenated) in the structure: Other: Other: Drugs: Other."

Pursuant to GN 13 of the HTSUS, donepezil hydrochloride is entered free of duty.

Duty rates are provided for your convenience and subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on the World Wide Web at *www.usitc.gov/tata/hts/*.

EFFECT ON OTHER RULINGS:

NY N044081, dated November 21, 2008, is hereby modified with respect to the classification of donepezil hydrochloride.

In accordance with 19 U.S.C. §1625(c), this ruling will become effective 60 days after publication in the *Customs Bulletin*.

IEVA K. O'ROURKE
for

MYLES B. HARMON,
Director,

Commercial and Trade Facilitation Division

19 C.F.R. PART 177

Modification of One Ruling Letter and Revocation of Two Ruling Letters Concerning the Classification of High Definition Multimedia Interface (HDMI) Cables and Revocation of Treatment

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of modification of one ruling letter and revocation of two ruling letters relating to the tariff classification of certain High Definition Multimedia Interface (HDMI) cables and revocation of treatment.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. §1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) is modifying one ruling letter and revoking two ruling letters relating to the tariff classification, under the Harmonized Tariff Schedule of the United States (HTSUS), of HDMI cables fitted with connectors. CBP is also revoking any treatment previously accorded by it to substantially identical transactions. Notice of the proposed modification and revocations was published on June 9, 2010, in the *Customs Bulletin*, Volume 44, No. 24. No comments were received in response to this notice.

DATES: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after November 22, 2010.

FOR FURTHER INFORMATION CONTACT: Richard Mojica, Tariff Classification and Marking Branch, at (202) 325–0032.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1993, Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057) (hereinafter “Title VI”) became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are “**informed compliance**” and “**shared responsibility**.” These concepts are premised on the idea that in order to maximize voluntary compliance with customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on CBP to provide the public with improved information concerning the trade community’s responsibilities and rights under the customs and related laws. In addition, both the trade and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. §1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information

necessary to enable CBP to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, this notice advises interested parties that CBP is modifying one ruling letter and revoking two ruling letters relating to the tariff classification of certain HDMI cables. Although in this notice CBP is specifically referring to the modification of New York Ruling Letter (NY) N018675, dated November 13, 2007, and the revocation of NY N088150, dated January 8, 2010, and NY N037030, dated September 24, 2008, this notice covers any rulings on this merchandise which may exist but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the ones identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (*i.e.*, ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice should have advised CBP during this notice period.

In NY N018675, NY N088150 and NY N037030, CBP classified HDMI cables in subheading 8544.42.90, HTSUS. CBP now finds that those rulings are incorrect as they concern the classification of HDMI cables. We now believe that the cables are “of a kind used for telecommunications” and that their correct classification is under subheading 8544.42.20, HTSUS.

Pursuant to 19 U.S.C. § 1625(c)(1), CBP is modifying NY N018675 and any other ruling not specifically identified to reflect the correct classification of HDMI cables, pursuant to the analysis set forth in proposed Headquarters Ruling Letter (HQ) H024054 (Attachment A). In addition, CBP is revoking NY N088150, NY N037030, and any other ruling not specifically identified to reflect the proper classification of the HDMI cables pursuant to the analysis set forth in HQ H100096 (Attachment B) and HQ H100097 (Attachment C). CBP is also revoking any treatment previously accorded by it to substantially identical transactions.

In accordance with 19 U.S.C. § 1625(c), this ruling will become effective 60 days after publication in the *Customs Bulletin*.

Dated: September 3, 2010

IEVA K. O’ROURKE
for

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division

[ATTACHMENT A]

HQ H024054
 September 3, 2010
 OT:RR:CTF:TCM H024054 HkP
 CATEGORY: Classification
 TARIFF NO.: 8544.42.20

GEORGE R. TUTTLE, III, ESQ.
 LAW OFFICES OF GEORGE R. TUTTLE
 ONE EMBARCADERO CENTER, SUITE 730
 SAN FRANCISCO, CA 94111-4044

RE: Modification of NY N018675; tariff classification of an HDMI cable

DEAR MR. TUTTLE:

This is in response to your letter dated July 8, 2008,¹ to U.S. Customs and Border Protection (“CBP”) on behalf of your client, Netflix, Inc., requesting reconsideration of New York Ruling Letter (“NY”) N018675, issued on November 13, 2007. At issue in that ruling was the correct classification of, among other things, a High Definition Multimedia Interface (“HDMI”) cable. CBP classified the HDMI cable in subheading 8544.42.90, HTSUS, as “other electric conductors for a voltage not exceeding 1,000 V: fitted with connectors: Other.”

In reaching our decision we have taken into consideration arguments made in a supplemental submission dated May 11, 2009. For the reasons explained below, we hereby modify NY N018675.

Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. §1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act, Pub. L. 103–182, 107 Stat. 2057, 2186 (1993), notice of the proposed modification was published on June 9, 2010, in the *Customs Bulletin*, Volume 44, No. 24. No comments were received in response to this notice.

FACTS:

The HDMI cable was not described in NY N018675. However, a sample of an HDMI cable was submitted for our review.

HDMI cables are used with high-definition consumer electronics such as HDTVs, Blu-ray Disc players, multimedia PCs, gaming systems, and digital camcorders.² The term “HDMI” is an acronym for the phrase “High Definition Multimedia Interface”. HDMI cables provide an uncompressed, all-digital interface between high definition electronics and personal computer products.³ HDMI signals can be sent over Cat5/6 networking cable, coaxial cable, and fiber-optic cable.⁴

¹ The request contained in your letter dated January 3, 2008, to reconsider the classification of the set-top box was addressed in separate correspondence.

² See *What is HDMI?*, www.hdmi.org. See also *HDMI: Clearing up the Confusion White Paper*, http://www.monstercable.com/HDMI/the_facts_on_hdmi.asp.

³ See *What is HDMI?*, www.hdmi.org/consumer/hd_experience.aspx (last visited 4/28/2009).

⁴ See *Running Long Cable Lengths*, <http://www.hdmi.org/installers/longcablelengths.aspx> (last visited 5/7/2009).

HDMI cables use twisted pair construction - they consist of one EDID/DDC (Extended Display Identification Channel/Display Data Channel) pair and four separate TMDS (Transition Minimized Differential Signaling — the technology that allows DVI and HDMI to send high-speed digital data) twisted pairs with a drain (signal ground) wire, with each TMDS pair covered with AL-Mylar foil shielding. In addition, the cables contain three single wires of CEC (Consumer Electronics Control) and hot plug detect conductor and one single wire for +5VDC (direct current voltage). The entire contents of the cables are shielded and encased in a protective PVC jacket. They are fitted at each end with HDMI 19-pin connectors.⁵

ISSUE:

Whether HDMI cables are “of a kind used for telecommunications”, as required by subheading 8544.42.20, HTSUS.

LAW AND ANALYSIS:

Classification under the HTSUS is made in accordance with the General Rules of Interpretation (GRIs). GRI 1 provides that the classification of goods shall be determined according to the terms of the headings of the tariff schedule and any relative section or chapter notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRIs 2 through 6 may then be applied in order.

The HTSUS provisions under consideration are as follows:

8544	Insulated (Including enameled or anodized) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fiber cables, made up of individually sheathed fibers, whether or not assembled with electrical conductors or fitted with connectors:
	Other electrical conductors, for a voltage not exceeding 1,000 V:
8544.42	Fitted with connectors:
	Other:
8544.42.2000	Of a kind used for telecommunications
8544.42.9000	Other

The Harmonized Commodity Description and Coding System Explanatory Notes (ENs) constitute the official interpretation of the HTSUS. While not legally binding nor dispositive, the ENs provide a commentary on the scope of each heading of the HTSUS and are generally indicative of the proper

⁵ The pins in an HDMI connector are allocated as follows:

Pins 1 through 9 carry the three TMDS data channels, three pins per channel. TMDS data includes both video and audio information, and each channel has three separate lines for + values, - values, and a ground or data shield; Pins 10 through 12 carry data for the TMDS clock channel, which helps keep the signals in synchronization. As with the TMDS data channels, there are separate lines for + values, - values, and a data shield; Pin 13 is carries the CEC channel, used for sending command and control data between connected devices; Pin 14 is reserved for future use; Pins 15 and 16 are dedicated to the DDC, used for communicating EDID information between devices; Pin 17 is a data shield for the CEC and DDC channels; Pin 18 carries a low-voltage (+5V) power supply; and, Pin 19 is the Hot Plug Detect, dedicated to monitoring power up/down and plug/unplug events.

Inside an HDMI Cable, <http://www.hdmi.org/installers/insidehdmicable.aspx> (last visited 5/7/2009).

interpretation of these headings at the international level. *See* T.D. 89–80, 54 Fed. Reg. 35127 (Aug. 23, 1989).

The Explanatory Note (EN) to heading 8544, HTSUS, states in relevant part:

The heading covers, *inter alia* :

....

(3) **Telecommunications wires and cables** (including submarine cables and data transmission wires and cables) are generally made up of a pair, a quad or a cable core, the whole usually covered with a sheath. A pair or a quad consists of two or four insulated wires, respectively (each wire is made up of a single copper conductor insulated with a coloured material of plastics having a thickness not exceeding 0.5 mm), twisted together. A cable core consists of a single pair or a quad or multiple stranded pairs or quads.

Based on the statement of the Court of International Trade in *AGFA Corporation v. United States*, 491 F. Supp. 2d 1317 (2007), *aff'd*, 520 F. 3d. 1326 (Fed. Cir. 2008), that, “given that the Explanatory Notes are persuasive authority for the Court when they specifically include or exclude an item from a tariff heading,” (internal quotation marks omitted), you argue that the ENs are persuasive authority for classification of the HDMI cables under sub-heading 8544.42.40, HTSUS.

The ENs are indicative of the scope of a heading at the international level, that is, up to the first six digits of the heading. *See* T.D. 89–80, 54 Fed. Reg. 35127 (Aug. 23, 1989). There is no dispute that the instant merchandise is described at GRI 1 by the terms of heading 8544 (8544.42), HTSUS, because it is an insulated cable fitted with connectors (and is for a voltage not exceeding 1,000 V). The issue in this case deals with text at the 8-digit level (cables “of a kind used for telecommunications” (8544.42.20) versus “other” cables (8544.42.90)), to which the ENs do not apply. Accordingly, *AGFA* is not helpful in this situation because there is no dispute that the cable is provided for in heading 8544, HTSUS.

You argue that, based on the common meaning of the term telecommunications, CBP’s classification of the HDMI cable under subheading 8544.42.90, HTSUS, as “other” than an electrical conductor of a kind used for telecommunications was incorrect because the cable is used for the transmission of digital signals, as are Ethernet and USB cables which CBP has previously found to be “for telecommunications” (*see* HQ H029719 (Nov. 2, 2008)).

When a tariff term is not defined by the HTSUS or the legislative history, its correct meaning is its common, or commercial, meaning. *Rocknel Fastener, Inc. v. United States*, 267 F.3d 1354, 1356 (Fed. Cir. 2001). “To ascertain the common meaning of a term, a court may consult ‘dictionaries, scientific authorities, and other reliable information sources’ and ‘lexicographic and other materials.’” *Id.* (quoting *C.J. Tower & Sons of Buffalo, Inc. v. United States*, 673 F.2d 1268, 1271, 69 C.C.P.A. 128 (C.C.P.A. 1982); *Simod Am. Corp. v. United States*, 872 F.2d 1572, 1576 (Fed. Cir. 1989)).

You have provided several versions of the common meaning of the term “telecommunications.” You cite, among other examples, the common defini-

tion of telecommunications given by the *Computer Telephone & Electronics Glossary* (www.csgnetwork.com) — “The science of sending signals representing voice, video, or data through telephone lines” — and by the *Webster’s New World College Dictionary*, 4th ed. (1999) — “communications by electronic or electric means, as through radio, telephone, telegraph, television, or computers.”⁶ In addition, we note that *Newton’s Telecom Dictionary* (23rd ed. 2009) defines the term “telecommunications” as: “1. The art and science of ‘communicating’ over a distance by telephone, telegraph and/or radio. The transmission, reception and the switching of signals, such as electrical or optical, by wire, fiber, or electromagnetic (i.e. through-the-air) means.”

Based on the common and commercial meaning of the term “telecommunications”, we find that HDMI cables at issue are “of a kind used for telecommunications.” They allow communication between various high definition electronic devices by electronic or electric means and, therefore, are classified in subheading 8544.42.20, HTSUS. This decision is consistent with

⁶ In support of your position, you also state that in HQ 964534 (incorrectly referred to in your submission as HQ 974534) (Nov. 21, 2001) CBP defined the term “telecommunications equipment” in a way that includes the function of the HDMI cables, that is, to transmit sound, video information and data. You believe that this comports with the common meaning of the term “telecommunications” found in various dictionaries and technical references.

HQ 964534 concerned the classification of cable assemblies with connectors used in TECAS radar proximity systems for commercial airplanes. In that ruling the U.S. Customs Service (now CBP) did not define the term “telecommunications equipment” but merely restated Protestant’s claims, including the assertion that in HQ 554295 (Jan. 15, 1987) “Customs has previously stated that telecommunications equipment, both in a common and commercial sense, encompass the transfer of sound, written information, video information, and data, as well as combinations thereof.” In turn, HQ 554295 concerned whether telephonic switching apparatus was classified under Tariff Schedules of the United States (TSUS) item 684.62 as telephone apparatus, or under item 688.42 as electrical articles not specifically provided for. Because in HQ 964534 there were no samples or pictures of the cables at issue and no other relevant documentary evidence, “Customs [was] unwilling to speculate as to whether or not the cable assemblies at issue [met] the above descriptions,” that is, “of a kind used for telecommunications.” HQ 964534, Nov. 21, 2001. Consequently, contrary to your assertions, CBP did not discuss the meaning of the term “telecommunications equipment” in that ruling.

With regard to our statements in HQ 554295 concerning the meaning of the term “telecommunications”, we first note that CBP decisions concerning the HTSUS’ predecessor tariff code, the TSUS, are not deemed dispositive of classification, although on a case-by-case basis they may be considered instructive. See Omnibus Trade and Competitiveness Act of 1988, Public Law 100–418, Aug. 23, 1988, 102 Stat. 1107, 1147; H.R. Rep. No. 576, 100th Cong., 2d Sess. 549–550 (1988); 1988 U.S.C.A.N. 1547, 1582–1583. We believe that these statements are equally applicable to CBP rulings that interpreted the nomenclature under the TSUS. At the time that HQ 554295 was issued, TSUS item 684.59 provided for “telephonic apparatus and instruments and parts thereof” and the discussion contained in that ruling was within the context of this item description. The HTSUS provision currently at issue is for electrical conductors “of a kind used for telecommunications”. The terms of these two provisions are not similar.

Finally, while Customs did note in HQ 554295 that telecommunications, in both a common and commercial sense, encompasses the transfer of sound, written information, video information, and data, as well as combinations thereof, we also remarked, “However, there is no use of the term telecommunications within the tariff schedules.” As such, our comments were not interpretive of a nomenclature provision concerning telecommunications. For all these reasons, we do not find the discussion in HQ 554295 to be instructive.

HQ H029719 (Nov. 7, 2008), in which we classified a USB and an Ethernet cable in subheading 8544.42.20, HTSUS, because they allowed the transfer of data between a personal computer and various other electronic devices.

HOLDING:

By application of GRI 1, the HDMI cables are classified in heading 8544, HTSUS. They are specifically provided for in subheading 8544.42.20, HTSUS, which provides for: “Insulated (including enameled or anodized) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors...: Other electric conductors, for a voltage not exceeding 1,000 V: Fitted with connectors: Other: Of a kind used for telecommunications.” The 2010 column one, general rate of duty is Free.

EFFECT ON OTHER RULINGS:

NY N018675, dated November 14, 2007, is hereby modified with respect to the classification of the HDMI cable.

Sincerely,

IEVA K. O’ROURKE
for

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division

[ATTACHMENT B]

HQ H100096

September 3, 2010

CLA-2:OT:RR:CTF:TCM H100096 RM

CATEGORY: Classification

TARIFF NO.: 8544.42.20

BARBARA Y. WIERBICKI, Esq.
 TOMPKINS & DAVIDSON, LLP
 5 HANOVER SQUARE, 15TH FLOOR
 NEW YORK, NY 10004

RE: Revocation of N088150; tariff classification of an HDMI cable

DEAR Ms. WIERBICKI:

This is in regards to New York Ruling Letter (“NY”) N088150 issued to you, on behalf of Jemtronix, on January 8, 2010. In that ruling, U.S. Customs and Border Protection (“CBP”) classified an HDMI cable in subheading 8544.42.90, HTSUS, as “other electric conductors for a voltage not exceeding 1,000 V: fitted with connectors: Other: Other.” For the reasons explained below, we hereby revoke NY N088150.

FACTS:

HDMI cables are used with high-definition consumer electronics such as HDTVs, Blu-ray Disc players, multimedia PCs, gaming systems, and digital camcorders.¹ The term “HDMI” is an acronym for the phrase “High Definition Multimedia Interface”. HDMI cables provide an uncompressed, all-digital interface between high definition electronics and personal computer products.² HDMI signals can be sent over Cat5/6 networking cable, coaxial cable, and fiber-optic cable.³

HDMI cables use twisted pair construction - they consist of one EDID/DDC (Extended Display Identification Channel/Display Data Channel) pair and four separate TMDS (Transition Minimized Differential Signaling – the technology that allows DVI and HDMI to send high-speed digital data) twisted pairs with a drain (signal ground) wire, with each TMDS pair covered with AL-Mylar foil shielding. In addition, the cables contain three single wires of CEC (Consumer Electronics Control) and hot plug detect conductor and one single wire for +5VDC (direct current voltage). The entire contents of the cables are shielded and encased in a protective PVC jacket. They are fitted at each end with HDMI 19-pin connectors.⁴

¹ See *What is HDMI?*, www.hdmi.org. See also *HDMI: Clearing up the Confusion White Paper*, http://www.monstercable.com/HDMI/the_facts_on_hdmi.asp.

² See *What is HDMI?*, www.hdmi.org/consumer/hd_experience.aspx (last visited 4/28/2009).

³ See *Running Long Cable Lengths*, <http://www.hdmi.org/installers/longcablelengths.aspx> (last visited 5/7/2009).

⁴ The pins in an HDMI connector are allocated as follows:

Pins 1 through 9 carry the three TMDS data channels, three pins per channel. TMDS data includes both video and audio information, and each channel has three separate lines for + values, - values, and a ground or data shield; Pins 10 through 12 carry data for the TMDS clock channel, which helps keep the signals in synchronization. As with the TMDS data channels, there are separate lines for + values, - values, and a data shield; Pin 13 carries

ISSUE:

Whether HDMI cables are “of a kind used for telecommunications”, as required by subheading 8544.42.20, HTSUS.

LAW AND ANALYSIS:

Classification under the HTSUS is made in accordance with the General Rules of Interpretation (GRIs). GRI 1 provides that the classification of goods shall be determined according to the terms of the headings of the tariff schedule and any relative section or chapter notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRIs 2 through 6 may then be applied in order.

The HTSUS provisions under consideration are as follows:

8544	Insulated (Including enameled or anodized) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fiber cables, made up of individually sheathed fibers, whether or not assembled with electrical conductors or fitted with connectors:
	Other electrical conductors, for a voltage not exceeding 1,000 V:
8544.42	Fitted with connectors:
	Other:
8544.42.2000	Of a kind used for telecommunications
8544.42.9000	Other

The Harmonized Commodity Description and Coding System Explanatory Notes (ENs) constitute the official interpretation of the HTSUS. While not legally binding nor dispositive, the ENs provide a commentary on the scope of each heading of the HTSUS and are generally indicative of the proper interpretation of these headings at the international level. *See* T.D. 89–80, 54 Fed. Reg. 35127 (Aug. 23, 1989).

The Explanatory Note (EN) to heading 8544, HTSUS, states in relevant part:

The heading covers, *inter alia* :

....

(3) **Telecommunications wires and cables** (including submarine cables and data transmission wires and cables) are generally made up of a pair, a quad or a cable core, the whole usually covered with a sheath. A pair or a quad consists of two or four insulated wires, respectively (each wire is made up of a single copper conductor insulated with a coloured material of plastics having a thickness not exceeding 0.5 mm), twisted together. A cable core consists of a single pair or a quad or multiple stranded pairs or quads.

the CEC channel, used for sending command and control data between connected devices; Pin 14 is reserved for future use; Pins 15 and 16 are dedicated to the DDC, used for communicating EDID information between devices; Pin 17 is a data shield for the CEC and DDC channels; Pin 18 carries a low-voltage (+5V) power supply; and, Pin 19 is the Hot Plug Detect, dedicated to monitoring power up/down and plug/unplug events.

Inside an HDMI Cable, <http://www.hdmi.org/installers/insidehdmi-cable.aspx> (last visited 5/7/2009).

There is no dispute that the instant merchandise is described at GRI 1 by the terms of heading 8544 (8544.42), HTSUS, because it is an insulated cable fitted with connectors (and is for a voltage not exceeding 1,000 V). At issue is whether HDMI cables are classified in subheading 8544.42.20, HTSUS (“of a kind used for telecommunications”) or in subheading 8544.42.90, HTSUS (“other”).

The term “telecommunications” is not defined in the HTSUS. When a tariff term is not defined by the HTSUS or the legislative history, its correct meaning is its common, or commercial, meaning. *Rocknel Fastener, Inc. v. United States*, 267 F.3d 1354, 1356 (Fed. Cir. 2001). “To ascertain the common meaning of a term, a court may consult ‘dictionaries, scientific authorities, and other reliable information sources’ and ‘lexicographic and other materials.’” *Id.* (quoting *C.J. Tower & Sons of Buffalo, Inc. v. United States*, 673 F.2d 1268, 1271, 69 C.C.P.A. 128 (C.C.P.A. 1982); *Simod Am. Corp. v. United States*, 872 F.2d 1572, 1576 (Fed. Cir. 1989)).

The term “telecommunications” is defined by the *Computer Telephone & Electronics Glossary* (www.csgnetwork.com) as “The science of sending signals representing voice, video, or data through telephone lines,” and by the *Webster’s New World College Dictionary*, 4th ed. (1999) as “communications by electronic or electric means, as through radio, telephone, telegraph, television, or computers.”

Based on the common and commercial meaning of the term “telecommunications”, we find that HDMI cables at issue are “of a kind used for telecommunications.” They allow communication between various high definition electronic devices by electronic or electric means and, therefore, are classified in subheading 8544.42.20, HTSUS. This decision is consistent with HQ H029719 (Nov. 7, 2008), in which we classified a USB and an Ethernet cable in subheading 8544.42.20, HTSUS, because they allowed the transfer of data between a personal computer and various other electronic devices.

HOLDING:

By application of GRI 1, the HDMI cables are classified in heading 8544, HTSUS. They are specifically provided for in subheading 8544.42.20, HTSUS, which provides for: “Insulated (including enameled or anodized) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors...: Other electric conductors, for a voltage not exceeding 1,000 V: Fitted with connectors: Other: Of a kind used for telecommunications.” The column one general rate of duty is Free.

EFFECT ON OTHER RULINGS:

NY N088150, dated January 8, 2010, is hereby revoked.

Sincerely,

IEVA K. O’ROURKE
for

MYLES B. HARMON,
Director

Commercial and Trade Facilitation Division

[ATTACHMENT C]

HQ H100097

September 3, 2010

CLA-2:OT:RR:CTF:TCM H100097 RM

CATEGORY: Classification

TARIFF NO.: 8544.42.20

MR. ROLANDO PORTAL
 CUSTOMS COMPLIANCE MANAGER
 CIRCUIT CITY
 9950 MARYLAND DRIVE
 RICHMOND, VA 23233

RE: Revocation of N037030; tariff classification of an HDMI cable

DEAR MR. PORTAL:

This is in regards to New York Ruling Letter (“NY”) N037030 issued to you on September 24, 2008. In that ruling, U.S. Customs and Border Protection (“CBP”) classified an HDMI cable in subheading 8544.42.90, HTSUS, as “other electric conductors for a voltage not exceeding 1,000 V: fitted with connectors: Other: Other.” For the reasons explained below, we hereby revoke NY N088150.

Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. §1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act, Pub. L. 103–182, 107 Stat. 2057, 2186 (1993), notice of the proposed revocation was published on June 9, 2010, in the *Customs Bulletin*, Volume 44, No. 24. No comments were received in response to this notice.

FACTS:

HDMI cables are used with high-definition consumer electronics such as HDTVs, Blu-ray Disc players, multimedia PCs, gaming systems, and digital camcorders.¹ The term “HDMI” is an acronym for the phrase “High Definition Multimedia Interface”. HDMI cables provide an uncompressed, all-digital interface between high definition electronics and personal computer products.² HDMI signals can be sent over Cat5/6 networking cable, coaxial cable, and fiber-optic cable.³

HDMI cables use twisted pair construction - they consist of one EDID/DDC (Extended Display Identification Channel/Display Data Channel) pair and four separate TMDS (Transition Minimized Differential Signaling — the technology that allows DVI and HDMI to send high-speed digital data) twisted pairs with a drain (signal ground) wire, with each TMDS pair covered with AL-Mylar foil shielding. In addition, the cables contain three single wires of CEC (Consumer Electronics Control) and hot plug detect conductor and one single wire for +5VDC (direct current voltage). The entire contents

¹ See *What is HDMI?*, www.hdmi.org. See also *HDMI: Clearing up the Confusion White Paper*, http://www.monstercable.com/HDMI/the_facts_on_hdmi.asp.

² See *What is HDMI?*, www.hdmi.org/consumer/hd_experience.aspx (last visited 4/28/2009).

³ See *Running Long Cable Lengths*, <http://www.hdmi.org/installers/longcablelengths.aspx> (last visited 5/7/2009).

of the cables are shielded and encased in a protective PVC jacket. They are fitted at each end with HDMI 19-pin connectors.⁴

ISSUE:

Whether HDMI cables are “of a kind used for telecommunications”, as required by subheading 8544.42.20, HTSUS.

LAW AND ANALYSIS:

Classification under the HTSUS is made in accordance with the General Rules of Interpretation (GRIs). GRI 1 provides that the classification of goods shall be determined according to the terms of the headings of the tariff schedule and any relative section or chapter notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRIs 2 through 6 may then be applied in order.

The HTSUS provisions under consideration are as follows:

8544	Insulated (Including enameled or anodized) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fiber cables, made up of individually sheathed fibers, whether or not assembled with electrical conductors or fitted with connectors:
	Other electrical conductors, for a voltage not exceeding 1,000 V:
8544.42	Fitted with connectors:
	Other:
8544.42.2000	Of a kind used for telecommunications
8544.42.9000	Other

The Harmonized Commodity Description and Coding System Explanatory Notes (ENs) constitute the official interpretation of the HTSUS. While not legally binding nor dispositive, the ENs provide a commentary on the scope of each heading of the HTSUS and are generally indicative of the proper interpretation of these headings at the international level. *See* T.D. 89–80, 54 Fed. Reg. 35127 (Aug. 23, 1989).

The Explanatory Note (EN) to heading 8544, HTSUS, states in relevant part:

The heading covers, *inter alia* :

⁴ The pins in an HDMI connector are allocated as follows:

Pins 1 through 9 carry the three TMDS data channels, three pins per channel. TMDS data includes both video and audio information, and each channel has three separate lines for + values, - values, and a ground or data shield; Pins 10 through 12 carry data for the TMDS clock channel, which helps keep the signals in synchronization. As with the TMDS data channels, there are separate lines for + values, - values, and a data shield; Pin 13 is carries the CEC channel, used for sending command and control data between connected devices; Pin 14 is reserved for future use; Pins 15 and 16 are dedicated to the DDC, used for communicating EDID information between devices; Pin 17 is a data shield for the CEC and DDC channels; Pin 18 carries a low-voltage (+5V) power supply; and, Pin 19 is the Hot Plug Detect, dedicated to monitoring power up/down and plug/unplug events.

Inside an HDMI Cable, <http://www.hdmi.org/installers/insidehdmicable.aspx> (last visited 5/7/2009).

....

(3) **Telecommunications wires and cables** (including submarine cables and data transmission wires and cables) are generally made up of a pair, a quad or a cable core, the whole usually covered with a sheath. A pair or a quad consists of two or four insulated wires, respectively (each wire is made up of a single copper conductor insulated with a coloured material of plastics having a thickness not exceeding 0.5 mm), twisted together. A cable core consists of a single pair or a quad or multiple stranded pairs or quads.

There is no dispute that the instant merchandise is described at GRI 1 by the terms of heading 8544 (8544.42), HTSUS, because it is an insulated cable fitted with connectors (and is for a voltage not exceeding 1,000 V). At issue is whether HDMI cables are classified in subheading 8544.42.20, HTSUS (“of a kind used for telecommunications”) or in subheading 8544.42.90, HTSUS (“other”).

The term “telecommunications” is not defined in the HTSUS. When a tariff term is not defined by the HTSUS or the legislative history, its correct meaning is its common, or commercial, meaning. *Rocknel Fastener, Inc. v. United States*, 267 F.3d 1354, 1356 (Fed. Cir. 2001). “To ascertain the common meaning of a term, a court may consult ‘dictionaries, scientific authorities, and other reliable information sources’ and ‘lexicographic and other materials.’” *Id.* (quoting *C.J. Tower & Sons of Buffalo, Inc. v. United States*, 673 F.2d 1268, 1271, 69 C.C.P.A. 128 (C.C.P.A. 1982); *Simod Am. Corp. v. United States*, 872 F.2d 1572, 1576 (Fed. Cir. 1989)).

The term “telecommunications” is defined by the *Computer Telephone & Electronics Glossary* (www.csgnetwork.com) as “The science of sending signals representing voice, video, or data through telephone lines,” and by the *Webster’s New World College Dictionary*, 4th ed. (1999) as “communications by electronic or electric means, as through radio, telephone, telegraph, television, or computers.” In addition, we note that *Newton’s Telecom Dictionary* (23rd ed. 2009) defines the term “telecommunications” as: “1. The art and science of ‘communicating’ over a distance by telephone, telegraph and/or radio. The transmission, reception and the switching of signals, such as electrical or optical, by wire, fiber, or electromagnetic (i.e. through-the-air) means.”

Based on the common and commercial meaning of the term “telecommunications”, we find that HDMI cables at issue are “of a kind used for telecommunications.” They allow communication between various high definition electronic devices by electronic or electric means and, therefore, are classified in subheading 8544.42.20, HTSUS. This decision is consistent with HQ H029719 (Nov. 7, 2008), in which we classified a USB and an Ethernet cable in subheading 8544.42.20, HTSUS, because they allowed the transfer of data between a personal computer and various other electronic devices.

HOLDING:

By application of GRI 1, the HDMI cables are classified in heading 8544, HTSUS. They are specifically provided for in subheading 8544.42.20, HTSUS, which provides for: “Insulated (including enameled or anodized) wire, cable (including coaxial cable) and other insulated electric conductors,

whether or not fitted with connectors...: Other electric conductors, for a voltage not exceeding 1,000 V: Fitted with connectors: Other: Of a kind used for telecommunications.” The column one general rate of duty is Free.

EFFECT ON OTHER RULINGS:

NY N037030, dated September 24, 2008, is hereby revoked.

Sincerely,

IEVA K. O’ROURKE

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division



**COPYRIGHT, TRADEMARK, AND TRADE NAME
RECORDATIONS**

(No. 8 2010)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

SUMMARY: Presented herein are the copyrights, trademarks, and trade names recorded with U.S. Customs and Border Protection during the month of August 2010. The last notice was published in the CUSTOMS BULLETIN on August 25, 2010.

Corrections or updates may be sent to: Department of Homeland Security, U.S. Customs and Border Protection, Office of Regulations and Rulings, IPR Branch, 1300 Pennsylvania Avenue, N.W., Mail Stop 1179, Washington, D.C. 20229–1179

FOR FURTHER INFORMATION CONTACT: Delois Johnson, Paralegal, Intellectual Property Rights Branch, (202) 325–0088.

Dated: September 7, 2010

CHARLES R. STEUART

Chief,

Intellectual Property Rights & Restricted Merchandise Branch

CBP IPR RECORDATION — AUGUST 2010

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 01-00009	8/9/2010	6/27/2020	THE LEGEND COLLECTION AND DESIGN	LLADRO USA INC.	No
TMK 01-00497	8/9/2010	7/3/2020	FOUNTAIN	FOUNTAIN POWERBOATS INC.	Yes
TMK 01-00354	8/9/2010	12/25/2010	GIORGIO ARMANI & DESIGN	GIORGIO ARMANI S.P.A.	No
TMK 02-00051	8/9/2010	12/16/2020	SNAP! CRACKLE! POP! & DESIGN	KELLOGG NORTH AMERICA COMPANY	No
TMK 02-00397	8/9/2010	4/15/2020	ZIG ZAG	NORTH ATLANTIC OPERATING CO., INC.	Yes
TMK 02-00985	8/17/2010	8/8/2020	CHROME HEARTS (STYLIZED IN HORSESHOE DESIGN)	CHROME HEARTS, INC.	No
TMK 02-01015	8/9/2010	7/12/2020	DIME/TAPP	WYETH LLC	No
TMK 04-00209	8/9/2010	7/29/2013	AJ ARMANI JEANS AND DESIGN	GIORGIO ARMANI S.P.A.	No
TMK 05-00401	8/9/2010	7/25/2020	FULLER	EATON CORPORATION	No
TMK 07-00458	8/29/2010	10/24/2020	ATLANTIC GEM	SEATRADE INTERNATIONAL CO., INC.	No
TMK 07-00399	8/9/2010	7/25/2020	AMBICOM AND DESIGN	AMBICOM INC.	No
TMK 07-00912	8/9/2010	3/6/2020	THERMADYNE	THERMADYNE INDUSTRIES, INC.	No
TMK 07-01013	8/9/2010	7/18/2020	PETMATE	DOSKOCIL MANUFACTURING COMPANY, INC.	No
TMK 07-00901	8/9/2010	3/6/2020	THERMADYNE	THERMADYNE INDUSTRIES, INC.	No
TMK 07-01026	8/29/2010	4/25/2020	M	SONY CORPORATION	No
TMK 07-01097	8/9/2010	9/1/2018	ACQUA DI GIO	GIORGIO ARMANI S.P.A	No

CBP IPR RECORDATION — AUGUST 2010

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 07-01093	8/9/2010	2/3/2014	ARMANI COLLEZIONI	GIORGIO ARMANI S.P.A.	No
TMK 07-01092	8/9/2010	9/28/2014	GIORGIO ARMANI	GIORGIO ARMANI S.P.A.	No
TMK 07-01259	8/9/2010	6/9/2011	GIORGIO ARMANI	GIORGIO ARMANI S.P.A.	No
TMK 09-00802	8/29/2010	6/27/2020	MONROE	TENNECO AUTOMOTIVE OPERATING COMPANY INC.	No
TMK 10-00816	8/17/2010	7/1/2017	PENGUIN SPORT	PEI LICENSING, INC.	No
TMK 10-00814	8/17/2010	6/22/2020	SPECTRUM VIEW	ISCO INTERNATIONAL LLC	No
TMK 10-00794	8/17/2010	7/27/2019	GA	GIORGIO ARMANI S.P.A., MILAN, SWISS BRANCH MENDRISIO	No
TMK 10-00785	8/9/2010	1/20/2019	U	GURU DENIM, INC.	No
TMK 10-00813	8/17/2010	8/14/2011	AEROROTOR	CWD, LLC	No
TMK 10-00872	8/29/2010	6/20/2016	JIVAGO	ILANA JIVAGO	No
TMK 10-00786	8/9/2010	10/29/2019	KENNETH COLE	KENNETH COLE PRODUCTIONS LLC	No
TMK 08-00541	8/9/2010	3/10/2018	ARMANI	GIORGIO ARMANI S.P.A.	No
TMK 10-00782	8/9/2010	8/3/2014	DRESSED PENGUIN WITH AN ORANGE BEAK AND ORANGE FEET	PEI LICENSING, INC.	No
TMK 10-00784	8/9/2010	9/11/2017	BUXOM	BARE ESSENTUALS BEAUTY, INC.	No
TMK 10-00783	8/9/2010	8/31/2014	DRESSED PENGUIN	PEI LICENSING, INC.	No
TMK 10-00811	8/17/2010	8/12/2013	PENGUIN	PEI LICENSING, INC.	No

CBP IPR RECORDATION — AUGUST 2010

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 10-00773	8/9/2010	1/23/2020	EMPORIO ARMANI AND DESIGN	GIORGIO ARMANI S.P.A., MILAN, SWISS BRANCH MENDRISIO	No
TMK 10-00812	8/17/2010	10/30/2017	AN ORIGINAL PENGUIN BY MUNSINGWEAR	PEI LICENSING, INC.	No
TMK 10-00809	8/17/2010	2/10/2019	DRESSED PENGUIN DESIGN	PEI LICENSING, INC.	No
TMK 10-00774	8/9/2010	4/23/2016	CK ONE CALVIN KLEIN AND DESIGN	CALVIN KLEIN TRADEMARK TRUST	No
TMK 10-00776	8/9/2010	8/7/2010	DESIGN (ETERNITY COLOGNE BOTTLE)	CALVIN KLEIN COSMETIC CORP	No
TMK 10-00815	8/17/2010	4/10/2017	MAC BATTERIES	MAC S.A.	No
TMK 10-00793	8/17/2010	10/14/2018	DRIBBLER	LEIRUM ENTERPRISES, INC.	No
TMK 10-00810	8/17/2010	5/27/2013	EMI	EMI (IP) LIMITED	No
TMK 10-00797	8/17/2010	3/14/2016	MAC POWERPACK AND DESIGN	MAC S.A.	No
TMK 10-00778	8/9/2010	4/3/2017	MAC POWER PACK THE POWER IS YOURS AND DESIGN	MAC S.A.	No
COP 10-00155	8/17/2010	8/17/2030	PASTA N MORE PACKAGING	TELEBRANDS CORP.	No
TMK 01-00498	8/17/2010	7/17/2020	CIRCULAR LOGO	FOUNTAIN POWERBOATS INC.	Yes
TMK 10-00871	8/29/2010	8/3/2020	NORTH RIVER (STYLIZED)	W.W. GRIGG LLC	No
TMK 10-00870	8/29/2010	9/11/2017	PROVA ALLOYS	WHEEL SPECIALTIES, LTD.	No
TMK 10-00867	8/29/2010	11/6/2017	RADD	WHEEL SPECIALTIES, LTD.	No
TMK 10-00865	8/29/2010	7/21/2019	BIGG WHEELS	WHEEL SPECIALTIES, LTD.	No

CBP IPR RECORDATION — AUGUST 2010

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 10-00866	8/29/2010	1/2/2011	QUIET RIOT	INGRAM ENTERPRISES, INC	No
TMK 10-00864	8/29/2010	11/9/2013	MAGIC MOUNTAIN	INGRAM ENTERPRISES, INC	No
TMK 10-00777	8/9/2010	12/3/2012	COLUMBIA RIVER KNIFE & TOOL AND DESIGN	GB II CORPORATION, DBA COLUMBIA RIVER KNIFE AND TOOL COMPANY	No
TMK 10-00806	8/17/2010	3/10/2019	DESIGN	POSITRONIC INDUSTRIES, INC.	No
TMK 10-00808	8/17/2010	10/17/2016	TUDOR	MAC SA	No
COP 10-00158	8/29/2010	8/29/2030	BVLGARI THE BRIDAL EXPERIENCE.	BULGARI, S.P.A.,	No
TMK 10-00863	8/29/2010	7/29/2018	PRIME FOOD AND DESIGN	CHAN, YEE HUNG	No
TMK 10-00861	8/29/2010	6/24/2017	SUPREMO	V&V SUPREMO FOODS, INC.	No
TMK 10-00860	8/29/2010	12/29/2019	CHIHUAHUA	V&V SUPREMO FOODS, INC.	No
TMK 10-00862	8/29/2010	7/6/2020	SIGMA	SIGMA ENTERPRISES LLC	No
TMK 10-00729	8/9/2010	10/18/2015	FLEX SHAPER	TELEBRANDS CORP.	No
TMK 10-00804	8/17/2010	7/11/2020	CASA NOBLE	CASA NOBLE SPIRITS, LLC	No
TMK 10-00779	8/9/2010	7/6/2020	RIMNETICS	RIMNETICS, INC.	No
TMK 10-00780	8/9/2010	10/7/2018	BABY PHAT GODDESS	PHAT FASHIONS LLC	No
TMK 10-00798	8/17/2010	1/22/2018	BABY PHAT GOLDEN GODDESS AND DESIGN	PHAT FASHIONS LLC	No
TMK 10-00799	8/17/2010	7/13/2020	SNIFTY	ROTUBA EXTRUDERS, INC.	No
TMK 10-00803	8/17/2010	9/4/2011	CRKT	GB II CORPORATION DBA COLUMBIA RIVER KNIFE AND TOOL COMPANY	No

CBP IPR RECORDATION — AUGUST 2010

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 10-00868	8/29/2010	1/10/2019	SIERRA	V&V SUPREMO FOODS, INC.	No
TMK 10-00858	8/29/2010	4/27/2020	OUTBACK RED	LIMITED STORES, LLC	No
TMK 10-00796	8/17/2010	11/27/2017	BALENCIAGA	BALENCIAGA	No
TMK 10-00859	8/29/2010	3/23/2020	MARC JACOBS	MARC JACOBS TRADEMARKS L.L.C.	No
TMK 10-00857	8/29/2010	6/27/2020	LV	LOUIS VUITTON MALLETIER	No
TMK 10-00855	8/29/2010	1/10/2019	LV (STYLIZED)	LOUIS VUITTON MALLETIER	No
TMK 10-00775	8/9/2010	8/1/2015	TOPAMAX	JOHNSON & JOHNSON	No
TMK 10-00755	8/9/2010	12/13/2018	PROCRIT	JOHNSON & JOHNSON	No
TMK 05-00505	8/9/2010	9/18/2011	HUCK DOLL	NSM RESOURCES CORPORATION	No
TMK 10-00759	8/9/2010	7/8/2017	LEVAQUIN	DAIICHI SANKYO COMPANY	No
TMK 10-00760	8/9/2010	5/1/2017	PREZISTA	TIBOTEC PHARMACEUTICALS	No
TMK 10-00758	8/9/2010	9/15/2019	INTELENCE	TIBOTEC PHARMACEUTICALS LTD.	No
TMK 10-00756	8/9/2010	11/27/2017	INVEGA	JOHNSON & JOHNSON	No
TMK 10-00767	8/9/2010	3/14/2019	FASHIONFLEX	OLEM SHOE CORP.	No
TMK 10-00757	8/9/2010	6/13/2019	FIESTAS	OLEM SHOE CORP.	No
TMK 10-00771	8/9/2010	12/23/2018	PASTA N MORE	TELEBRANDS CORP. (BY ASSIGNMENT)	No
TMK 10-00768	8/9/2010	7/5/2020	M&N INTERNATIONAL GROUP, INC. AND DESIGN	M&N INTERNATIONAL GROUP, INC.	No
TMK 10-00770	8/9/2010	6/29/2020	PAMPERED TOES	TELEBRANDS CORP.	No
TMK 10-00754	8/9/2010	7/20/2020	MILLY	MILLY LLC	No

CBP IPR RECORDATION — AUGUST 2010

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 10-00769	8/9/2010	5/4/2020	RUGGED. RELIABLE. PROVEN	TRI-TRONICS, INC.	No
TMK 10-00761	8/9/2010	4/13/2020	MILLY CABANA	MILLY LLC	No
TMK 10-00772	8/9/2010	4/4/2020	ACIPHEX	EISAI R&D MANAGEMENT CO., LTD.	No
TMK 10-00764	8/9/2010	4/21/2020	ZINACEF	GLAXO GROUP LIMITED	No
TMK 10-00765	8/9/2010	4/23/2020	ZOFRAN	GLAXO GROUP LIMITED	No
TMK 10-00762	8/9/2010	12/5/2016	MILLY CABANA	MILLY LLC	No
TMK 10-00763	8/9/2010	10/7/2018	CONFIGURATION OF ETERNITY BOTTLE (PERFUME)	PHAT FASHIONS LLC LIMITED LIABILITY	Yes
COP 10-00153	8/9/2010	8/9/2030	OMNYA AMETHYSTE	BULGARI, SPA	No
TMK 10-00766	8/9/2010	4/17/2017	VLADO	IGUASU TRADING U.S.A., INC	No
TMK 10-00746	8/9/2010	7/13/2020	DESIGN	IGUASU TRADING U.S.A., INC. DBA VLADO FOOTWEAR	No
TMK 10-00807	8/17/2010	7/13/2020	SUSINO AND DESIGN	SUSINO USA	Yes
TMK 06-01072	8/9/2010	5/16/2020	BOB MARLEY	FIFTY-SIX HOPE ROAD MUSIC LTD.	No
TMK 10-00753	8/9/2010	1/3/2016	S STARTER AND DESIGN	STUDIO IP HOLDINGS LLC	No
COP 10-00145	8/9/2010	8/9/2030	SOLAR SPIKE GOBLETS	SANDY COOPER	No
COP 10-00146	8/9/2010	8/9/2030	SOLAR SCROLL ROOSTER.	SANDY COOPER.	No
TMK 10-00743	8/9/2010	6/10/2018	CRAZY 8	GYM-MARK, INC.	No
TMK 10-00856	8/29/2010	5/18/2020	CECILIO C AND DESIGN	CECILIO MUSICAL INSTRUMENTS	No

CBP IPR RECORDATION — AUGUST 2010

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 10-00854	8/29/2010	5/25/2020	KALOS BY CECILIO (STYLIZED)	CECILIO MUSICAL INSTRUMENTS, KRISTY SIUFONG WU	No
TMK 10-00853	8/29/2010	8/8/2016	KASINO ALLOYS	WHEEL SPECIALTIES, LTD.	No
TMK 10-00852	8/29/2010	8/22/2016	MEZZANO ALLOYS	WHEEL SPECIALTIES, LTD.	No
TMK 10-00732	8/9/2010	12/5/2012	NSK	NSK LTD.	No
TMK 10-00744	8/9/2010	7/13/2020	SUPERWAND	GARRETT ELECTRONICS, INC.	No
TMK 10-00748	8/9/2010	10/17/2016	INSIGHT	L-3 INSIGHT TECHNOLOGY INCORPO- RATED	No
TMK 10-00749	8/9/2010	10/5/2019	INSIGHT AND DESIGN	L-3 INSIGHT TECHNOLOGY INCORPO- RATED	No
COP 10-00148	8/9/2010	8/9/2030	SOLAR ROSEBUDS SILHOUETTES.	SANDY COOPER.	No
COP 10-00147	8/9/2010	8/9/2030	SOLAR FROG SLINKY COIL	SANDY COOPER	No
TMK 10-00752	8/9/2010	2/22/2019	GWEN STEFANI	LAMB-GRS LIMITED LIABILITY CO. CALIFORNIA	No
TMK 10-00851	8/29/2010	1/27/2017	CHIHUAHUA	V&V FOOD PRODUCTS, INC.	No
TMK 10-00849	8/29/2010	12/3/2016	DEL CARIBE	V&V SUPREMO FOODS, INC.	No
TMK 10-00850	8/29/2010	5/5/2018	PRIME FOOD AND DESIGN	CHAN, YEE HUNG	No
TMK 10-00848	8/29/2010	6/17/2018	DESIGN	MARC JACOBS TRADEMARKS L.L.C.	No
TMK 10-00847	8/29/2010	7/27/2019	DESIGN	LOUIS VUITTON MALLETTIER	No
COP 10-00149	8/9/2010	8/9/2030	SOLAR FROG SITTERS	SANDY COOPER	No

CBP IPR RECORDATION — AUGUST 2010

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
COP 10-00150	8/9/2010	8/9/2030	SOLAR MUSICAL MOUSE.	SANDY COOPER	No
COP 10-00151	8/9/2010	8/9/2030	SOLAR WELCOME CAT AND DOG	SANDY COOPER	No
COP 10-00152	8/9/2010	8/9/2030	SOLAR MARBLE ROOSTER.	SANDY COOPER	No
TMK 10-00750	8/9/2010	4/14/2017	GYMBOREE	GYM-MARK, INC.	No
TMK 10-00751	8/9/2010	9/1/2019	HUGLIGHT	SHOWERTBK, INC.	No
TMK 10-00747	8/9/2010	4/12/2014	RISPERDAL	JOHNSON & JOHNSON	No
TMK 10-00745	8/9/2010	1/9/2016	CK ONE	CALVIN KLEIN TRADEMARK TRUST	No
TMK 08-00389	8/9/2010	6/4/2020	PARLIAMENT	PHILIP MORRIS USA INC.	Yes
TMK 10-00846	8/29/2010	11/27/2017	JOE JOSEPH ABBOUD	JA APPAREL CORP.	No
TMK 10-00724	8/9/2010	7/1/2018	LV LOUIS VICTORIA AND DESIGN	ANN'S SKIN CARE & COSMETIC, INC.	No
TMK 10-00727	8/9/2010	4/15/2013	BETSEY JOHNSON	BETSEY JOHNSON LLC	No
TMK 10-00731	8/9/2010	8/28/2011	CONCERTA	ALZA CORPORATION	No
TMK 10-00726	8/9/2010	1/1/2018	WINDSHIELD WONDER	GOLDEN CREST TRADING, INC.	No
TMK 10-00733	8/9/2010	10/1/2018	NSK	NSK LTD.	No
TMK 10-00845	8/29/2010	11/18/2018	JOSEPH ABBOUD	JA APPAREL CORP.	No
TMK 10-00844	8/29/2010	4/13/2016	BIRKENSTOCK	BIRKENSTOCK ORTHOPAEDIE GMBH & CO.	No
TMK 10-00742	8/9/2010	3/21/2020	"THE LITTLE TORCH"	ILLINOIS TOOL WORKS INC.	No
TMK 10-00737	8/9/2010	8/19/2018	MIGHTY PUTTY	PLYMOUTH DIRECT, INC./DIRECT RESPONSE INC.	No

CBP IPR RECORDATION — AUGUST 2010

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 10-00739	8/9/2010	11/20/2017	DHA GOLD	MARTEK BIOSCIENCES CORPORATION	No
TMK 10-00795	8/17/2010	6/13/2020	QUANTUM	RILIN GROUP, INC.	No
TMK 10-00842	8/29/2010	6/5/2017	TOP GUNS	INGRAM ENTERPRISES, INC	No
TMK 10-00841	8/29/2010	8/26/2013	PERFECT STORM	INGRAM ENTERPRISES, INC	No
TMK 10-00840	8/29/2010	10/8/2016	HAVANA HEAT	INGRAM ENTERPRISES, INC	No
TMK 10-00839	8/29/2010	2/24/2014	DAX	IMPERIAL DAX COMPANY, INC.	No
TMK 10-00730	8/9/2010	8/29/2016	MILLY	MILLY LLC	No
TMK 10-00738	8/9/2010	3/4/2017	SRS AND DESIGN	SRS LABS, INC.	No
TMK 10-00741	8/9/2010	12/23/2018	KINGPRO AND DESIGN	GRUPO MEDIATICO REFORMA NORTE SA DE CV	No
TMK 10-00838	8/29/2010	7/15/2019	CORMATIC	GEORGIA-PACIFIC CONSUMER PROD-UCTS LO	No
TMK 10-00837	8/29/2010	8/7/2013	CORMATIC	GEORGIA-PACIFIC CONSUMER PROD-UCTS LP	No
TMK 10-00835	8/29/2010	2/11/2013	EASYNAP	GEORGIA-PACIFIC CONSUMER PROD-UCTS LP	No
TMK 10-00836	8/29/2010	8/17/2014	SUPER TURBO	TURBO POWER, INC.	No
TMK 10-00740	8/9/2010	6/20/2020	G-S AND DESIGN	GERMANOW-SIMON CORPORATION	No
TMK 10-00734	8/9/2010	7/20/2020	OUTLET ONE CARD	OUTRCO, INC.	No

CBP IPR RECORDATION — AUGUST 2010

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 10-00735	8/9/2010	5/25/2020	THE ROW	DUALSTAR ENTERTAINMENT GROUP, LLC	No
TMK 10-00805	8/17/2010	4/29/2018	GLOW AFTER DARK	JLO HOLDING COMPANY, LLC	No
TMK 10-00801	8/17/2010	4/29/2018	L.A.M.B.	LAMB-GRS, LLC	No
TMK 10-00802	8/17/2010	3/29/2019	L.A.M.B	LAMB-GRS, LLC	No
TMK 10-00787	8/17/2010	3/31/2019	LL AND DESIGN	LAMB-GRS C/O GOLDRING, HERTZ & LICHTENSTEIN LLP	No
TMK 10-00792	8/17/2010	9/23/2018	GLOW AFTER DARK BY JLO	JLO HOLDING COMPANY, LLC C/O MURPHY & KRESS INC	No
TMK 10-00791	8/17/2010	7/4/2016	MIAMI GLOW	JLO HOLDING COMPANY LLC	No
TMK 10-00788	8/17/2010	7/10/2020	ETERNITY	CALVIN KLEIN COSMETIC CORPORATION	No
TMK 10-00834	8/29/2010	6/19/2020	ALWAYS	THE PROCTER & GAMBLE COMPANY	No
TMK 10-00832	8/29/2010	10/9/2017	DESIGN	JA APPAREL CORP.	No
TMK 10-00833	8/29/2010	8/26/2013	ROX	WHEEL SPECIALTIES, LTD.	No
TMK 10-00869	8/29/2010	9/12/2016	MIRRORALLOYS	WHEEL SPECIALTIES, LTD.	No
TMK 10-00831	8/29/2010	5/18/2020	SPINAL SIMPLICITY	SPINAL SIMPLICITY, LLC	No
TMK 10-00728	8/9/2010	8/1/2020	AVELOX	BAYER AG	No
TMK 10-00736	8/9/2010	9/19/2016	TUDOR PLATINUM AND DESIGN	MAC S.A.	No
TMK 10-00718	8/9/2010	11/8/2014	GYMBOREE	GYM-MARK, INC.	No

CBP IPR RECORDATION — AUGUST 2010

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 10-00719	8/9/2010	7/30/2015	LONDON FOG	IP HOLDINGS LLC	No
TMK 10-00723	8/9/2010	10/8/2015	LONDON FOG AND DESIGN	IP HOLDINGS LLC	No
TMK 10-00790	8/17/2010	3/30/2020	VECTIBIX AND DESIGN	IMMUNEX CORPORATION	No
TMK 10-00829	8/29/2010	10/13/2018	PERFECTOUCH	DIXIE CONSUMER PRODUCTS LLC	No
TMK 10-00828	8/29/2010	10/16/2017	SMARTSTOCK	DIXIE CONSUMER PRODUCTS LLC	No
TMK 10-00827	8/29/2010	11/13/2017	SMARTSTOCK	DIXIE CONSUMER PRODUCTS LLC	No
TMK 10-00826	8/29/2010	5/18/2020	COLNAGO	ARABESQUE S.R.L.	No
TMK 10-00825	8/29/2010	5/28/2012	COLNAGO AND DESIGN	ARABESQUE S.R.L.	No
TMK 10-00781	8/9/2010	6/8/2020	ALEXANDER WANG	WANG, ALEXANDER	No
TMK 10-00722	8/9/2010	9/9/2017	CK BE	CALVIN KLEIN TRADEMARK TRUST	No
TMK 10-00725	8/9/2010	8/12/2018	LIFE'S DHA	MARTEK BIOSCIENCES CORPORATION	No
TMK 10-00720	8/9/2010	9/28/2012	DANSKIN AND DESIGN	STUDIO IP HOLDINGS LLC	No
TMK 10-00721	8/9/2010	9/13/2015	DANSKIN NOW	STUDIO IP HOLDINGS LLC	No
COP 10-00154	8/17/2010	8/17/2030	PASTA BOAT PACKAGING	TELEBRANDS CORP.	No
TMK 10-00789	8/17/2010	10/17/2016	WELLSPRING	HNF PRODUCTS LLC.	No
TMK 10-00800	8/17/2010	5/18/2020	MENDINI BY CECILIO	CECILIO MUSICAL INSTRUMENTS,	No
TMK 10-00824	8/29/2010	1/9/2021	DIXIE	DIXIE CONSUMER PRODUCTS LLC	No
TMK 10-00823	8/29/2010	1/29/2018	DIXIE	DIXIE CONSUMER PRODUCTS LLC	No
COP 10-00157	8/29/2010	8/29/2030	PAOLO BULGARI CROSS PRODUCTS CATALOGUE 2010	BULGARI, S.P.A.	No

CBP IPR RECORDATION — AUGUST 2010

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 10-00822	8/29/2010	7/20/2013	ANNTAYLOR	ANSCO, INC.	No
TMK 10-00821	8/29/2010	4/22/2018	DESIGN	CASIO KEISANKI KABUSHIKI KAISHA DBA CASIO COMPUTER CO. LTD.	No
TMK 10-00817	8/29/2010	5/15/2011	EDIFICE	CASIO KEISANKI KABUSHIKI KAISHA D/B/A CASIO COMPUTER CO. LTD.	No
TMK 09-00165	8/29/2010	5/2/2020	TAPOUT	TAPOUT, LLC	No
TMK 10-00820	8/29/2010	6/27/2020	GULLUOGLU	MEHMET NEJAT GULLU	No
TMK 10-00819	8/29/2010	12/6/2014	OHH SOO GOOD	INGRAM ENTERPRISES, INC	No
TMK 10-00818	8/29/2010	4/8/2018	EXILIM	CASIO KEISANKI KABUSHIKI KAISHA D/B/A CASIO COMPUTER CO. LTD.	No
COP 10-00156	8/29/2010	8/29/2030	CARS-STYLE GUIDE	DISNEY ENTERPRISES, INC. & PIXAR ANIMATION STUDIOS	No
TMK 02-00990	8/29/2010	5/20/2020	DUNHILL	ALFRED DUNHILL LIMITED	No
TMK 10-00830	8/29/2010	1/6/2018	INSULAIR	DIXIE CONSUMER PRODUCTS LLC	No
TMK 10-00843	8/29/2010	10/25/2018	CHEMETRICS	CHEMETRICS, INC.	No

Total Records: 196

Date as of: 9/3/2010

AGENCY INFORMATION COLLECTION ACTIVITIES:

Free Trade Agreements

ACTION: 60-Day Notice and request for comments; Extension of an existing collection of information: 1651–0117

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning: Free Trade Agreements. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before November 8, 2010, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 799 9th Street, NW, 7th Floor, Washington, DC. 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 799 9th Street, NW, 7th Floor, Washington, DC. 20229–1177, at 202–325–0265.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)). The comments should address: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB)

approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Free Trade Agreements

OMB Number: 1651-0117

Form Number: None

Abstract: Free trade agreements are established to reduce and eliminate barriers, strengthen and develop economic relations, and to lay the foundation for further cooperation to expand and enhance benefits of the agreement. Free trade agreements establish free trade by reduced-duty treatment on imported goods. The United States has numerous free trade agreements with various countries, eight of which are included in this information collection: Chile, Singapore, Australia, Morocco, Bahrain, Jordan, Oman, and Peru. These agreements involve collection of data elements such as information about the importer and exporter of the goods, a description of the goods, tariff classification number, and the preference criterion in the Rules of Origin.

Respondents can obtain information on how to make claims under these free trade agreements by going to *http://www.cbp.gov/xp/cgov/trade/trade_programs/international_agreements/free_trade/*

Current Actions: This submission is being made to extend the expiration date with a change to the burden hours based on the addition of free trade agreements with Oman and Peru.

Type of Review: Extension (with change)

Affected Public: Businesses

Estimated Number of Respondents: 116,100

Total Number of Estimated Annual Responses : 116,100

Estimated time per Response: 12 minutes

Estimated Total Annual Burden Hours: 23,220

Dated: August 31, 2010

TRACEY DENNING
Agency Clearance Officer
U.S. Customs and Border Protection