

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN CARBON SPINE BOARD,
CERVICAL COLLAR, CPR MASKS AND
VARIOUS MEDICAL TRAINING
MANIKIN DEVICES, AND
TRADEMARKS, COPYRIGHTS OF
PRODUCT CATALOGUES, PRODUCT
INSERTS AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1008

LIMITED EXCLUSION ORDER

The Commission has determined that there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. §1337) by Respondents Medsource International Co., Ltd., of PuDong, China; Medsource Factory, Inc. of PuDong, China; and Basic Medical Supply, LLC of Richmond, Texas (collectively, "Respondents"). The Commission found Respondents in default pursuant to subsection (g)(1) of section 337, 19 U.S.C. § 1337(g)(1), and section 210.16 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.16, for failing to respond to a Notice of Investigation and an Amended Complaint that alleged a violation of section 337 with respect to the unlawful importation, sale for importation, and sale after importation of certain cervical collars that infringe claim 1 of U.S. Patent No. 6,090,058 ("the '058 patent") and certain CPR masks that infringe U.S. Trademark Registration No. 3,476,656 ("the '656 mark").

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of covered cervical collars and CPR masks

manufactured for or on behalf of, or imported by or on behalf of, Respondents or their affiliated companies, parents, subsidiaries, contractors and other related business entities, successors or assigns.

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(g) do not preclude the issuance of the limited exclusion order, and that the bond during the Presidential review period shall be in the amount of 100 percent of the entered value for covered cervical collars and CPR masks.

Accordingly, the Commission hereby **ORDERS** that:

1. Cervical collars that infringe claim 1 of the '058 patent and that are manufactured abroad by or on behalf of, or are imported by or on behalf of Respondents, or any of their affiliated companies, parents, subsidiaries, agents, or other related business entities, or their successors or assigns, are excluded from entry for consumption into the United States, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, for the remaining term of the patent, except under license of the patent owner or as provided by law.

2. CPR masks that infringe the '656 mark, or any marks confusingly similar thereto or that are otherwise misleading as to source, origin, or sponsorship, and that are manufactured abroad by or on behalf of, or are imported by or on behalf of, Respondents, or any of their affiliated companies, parents, subsidiaries, agents, or other related business entities, or their successors or assigns, are excluded from entry for consumption into the United States, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, except under license of the trademark owner or as provided by law, until such date as the trademark is abandoned, canceled, or rendered invalid or unenforceable.

3. Notwithstanding paragraphs 1 and 2 of this Order, the aforesaid cervical collars and CPR masks are entitled to entry for consumption into the United States, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, under bond in the amount of 100 percent of entered value of such articles pursuant to subsection (j) of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337(j), and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 Fed. Reg. 43251), from the day after this Order is received by the United States Trade Representative and until such time as the United States Trade Representative notifies the Commission that this action is approved or disapproved but, in any event, not later than sixty (60) days after the date of receipt of this Order. Note, however, that this provision does not exempt seizure of infringing articles under the trademark laws enforced by CBP, most notably 19 U.S.C. § 1526(e) and 19 U.S.C. § 1595a(c)(2)(C) in connection with 15 U.S.C. § 1124, 17 U.S.C. § 506, and 18 U.S.C. §§ 2318 and 2320.

4. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to cervical collars and CPR masks that are imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.

5. At the discretion of CBP and pursuant to procedures it establishes, persons seeking to import cervical collars and CPR masks that are potentially subject to this Order may be required to certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraphs 1 and 2 of this Order. At its discretion, CBP may also require persons who have provided the certification described in

this paragraph to furnish such records or analyses as it deems necessary to substantiate the certification.

6. Complainants shall file a written statement with the Commission, made under oath, each year on the anniversary of the issuance of this Order stating whether Complainants continue to use the aforesaid trademark in commerce in the United States and whether the aforesaid trademark has been abandoned, canceled, or rendered invalid or unenforceable.

7. The Commission may modify this Order in accordance with the procedures described in section 210.76 of the Commission's Rules of Practice and Procedure, 19 C.F.R. § 210.76.

8. The Secretary shall serve copies of this Order upon each party of record in this investigation and CBP.

9. Notice of this Order shall be published in the Federal Register.

By order of the Commission.



Lisa R. Barton
Secretary to the Commission

Issued: June 14, 2017

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COMPONENTS THEREOF**

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PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **LIMITED EXCLUSION ORDER** has been served by hand upon the Commission Investigative Attorney, Monica Bhattacharyya, Esq., and the following parties as indicated, on **June 14, 2017**.



Lisa R. Barton, Secretary
U.S. International Trade Commission
500 E Street, SW, Room 112
Washington, DC 20436

**On Behalf of Complainants Laerdal Medical Corp. and
Laerdal Medical AS:**

Joseph W. Bain, Esq.
SHUTTS & BOWEN LLP
525 Okeechobee Blvd, Suite 110
West Palm Beach, FL 33401

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Respondents:

Shanghai Evenk International Trading CO., Ltd.
Aijia International Building
#288 Wuhua Road, Bldg. No. 1, 5th Floor
Shanghai, China 200086

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Shanghai Honglian Medical Instrument Development Co., Ltd.
Aijia International Building
#288 Wuhua Road, Bldg. No. 1, 5th Floor
Shanghai, China 200086

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Shanghai Jolly Medical Education Co., Ltd.
#8 Jinting Road
Pudong New Area
Shanghai, China 201323

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Zhangjiangang Xiehe Medical Apparatus & Instruments Co., Ltd.
FuGang Building
#6B RenMin Street
Zhangjiangang City
Jiangsu, China 215600

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

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Certificate of Service – Page 2

Zhangjiagang New Fellow Med Co., Ltd
Sanxing Wukesong Road
Jinfeng Town, Zhangjiagang City
Jiangsu Province, China 215624

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Jiangsu Y ongxin Medical Equipment Co., Ltd.
204 New State Road
Leyu Town, Zhangjiagang City
Jiangsu Province, China 215600

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Jiangsu Yongxin Medical-Use Facilities Making Co., Ltd,
204 New State Road
Leyu Town, Zhangjiagang City
Jiangsu Province, China 215600

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Jiangyin Everise Medical Devices Co., Ltd.
No. 1001 Chengyang Road
Jiangyin City, Jiangsu
China 214423

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Medsource International Co., Ltd. and Medsource Factory, Inc.
No. 1703 Building 11 #, Lane 225
Jinxiang Road, PuDong
China 201206

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Basic Medical Supply, LLC
19902 Flax Flower Drive
Richmond, TX 77 407

- Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____