

U.S. Customs and Border Protection

CBP Dec. 23-01

DETERMINATION THAT MAINTENANCE OF FINDING OF JANUARY 28, 2022, PERTAINING TO CERTAIN PALM OIL AND DERIVATIVE PRODUCTS MADE WHOLLY OR IN PART WITH PALM OIL PRODUCED BY THE MALAYSIAN COMPANY SIME DARBY PLANTATION BERHAD, ITS SUBSIDIARIES, AND JOINT VENTURES, IS NO LONGER NECESSARY

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

ACTION: Determination that merchandise is no longer subject to 19 U.S.C. 1307.

SUMMARY: On January 28, 2022, U.S. Customs and Border Protection (CBP), with the approval of the Secretary of the Department of Homeland Security, issued a Finding that certain palm oil and derivative products made wholly or in part with palm oil produced by Sime Darby Plantation Berhad, its subsidiaries, and joint ventures, were being produced with the use of forced labor, and were being, or were likely to be, imported into the United States. CBP has now determined, based upon additional information, that such merchandise is no longer being produced with the use of forced labor in violation of section 307 of the Tariff Act of 1930, as amended.

DATES: This determination applies to any merchandise described in this notice that is imported on or after February 3, 2023.

FOR FURTHER INFORMATION CONTACT: Jason Leffler, Assistant Director, Forced Labor Division, Trade Remedy Law Enforcement Directorate, Office of Trade, (202) 325-1601 or *forcedlabor@cbp.dhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to section 307 of the Tariff Act of 1930, as amended (19 U.S.C. 1307), “[a]ll goods, wares, articles, and merchandise mined,

produced, or manufactured wholly or in part in any foreign country by convict labor or/and forced labor or/and indentured labor under penal sanctions shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited.” Under this section, “forced labor” includes “all work or service which is exacted from any person under the menace of any penalty for its nonperformance and for which the worker does not offer himself voluntarily” and includes forced or/and indentured labor or forced or indentured child labor.

The U.S. Customs and Border Protection (CBP) regulations promulgated under the authority of 19 U.S.C. 1307 are found at sections 12.42 through 12.45 of title 19, Code of Federal Regulations (CFR) (19 CFR 12.42–12.45). Among other things, these regulations allow any person outside of CBP to communicate his or her belief that a certain “class of merchandise . . . is being, or is likely to be, imported into the United States [in violation of 19 U.S.C. 1307].” 19 CFR 12.42(a), (b). Upon receiving such information, the Commissioner of CBP (Commissioner) “will cause such investigation to be made as appears to be warranted by the circumstances” 19 CFR 12.42(d). CBP also has the authority to self-initiate an investigation. 19 CFR 12.42(a). If the Commissioner finds that the information available “reasonably but not conclusively indicates that merchandise within the purview of section 307 is being, or is likely to be, imported,” the Commissioner will order port directors to “withhold release of any such merchandise pending [further] instructions.” 19 CFR 12.42(e). After issuance of such a withhold release order, the covered merchandise will be detained by CBP for an admissibility determination and will be excluded unless the importer demonstrates that the merchandise was not made using labor in violation of 19 U.S.C. 1307. 19 CFR 12.43–12.44. The importer may also export the merchandise. 19 CFR 12.44(a).

These regulations also set forth the procedure for the Commissioner to issue a Finding when it is determined that the merchandise is subject to the provisions of 19 U.S.C. 1307. Pursuant to 19 CFR 12.42(f), if the Commissioner determines that merchandise within the purview of 19 U.S.C. 1307 is being, or is likely to be, imported into the United States, the Commissioner will, with the approval of the Secretary of the Department of Homeland Security (DHS), publish a Finding to that effect in the *Customs Bulletin* and in the **Federal**

Register.¹ Under the authority of 19 CFR 12.44(b), CBP may seize and forfeit imported merchandise covered by a Finding.

On December 16, 2020, CBP issued a withhold release order (made effective on December 30, 2020) on “palm oil,” including all crude palm oil and palm kernel oil and derivative products, made wholly or in part with palm oil traceable to Sime Darby Plantation Berhad (Sime Darby Plantation), with reasonable evidence demonstrating that the Sime Darby Plantation, including its subsidiaries and joint ventures, primarily located in Malaysia, harvested the fruit and produced the palm oil using forced labor. Through its investigation, CBP determined that there was sufficient information to support a Finding that the Sime Darby Plantation, its joint ventures, and subsidiaries were using forced labor on Sime Darby’s plantations in Malaysia to harvest fresh fruit bunches, which are used to extract palm oil and produce derivative products, and also produce such palm oil and derivatives, and that such palm oil and derivative products produced by the company were likely being imported into the United States. Pursuant to 19 CFR 12.42(f), CBP issued a Finding (CBP Dec. 22–02) to that effect in the **Federal Register** on January 28, 2022 (87 FR 4635).²

Since that time, the Sime Darby Plantation has provided additional information to CBP, which CBP believes establishes by satisfactory evidence that the subject palm oil and derivative products are no longer mined, produced, or manufactured in any part with forced labor. 19 CFR 12.42(g).

II. Determination

Pursuant to 19 U.S.C. 1307 and 19 CFR 12.42(g), it is hereby determined that the articles described below are no longer being mined, produced, or manufactured wholly or in part with the use of convict, forced, or indentured labor by the Sime Darby Plantation, its subsidiaries, and joint ventures.

The subject articles are palm oil and derivative products classified under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 1207.10.0000, 1511.10.0000, 1511.90.0000, 1513.21.0000, 1513.29.0000, 1517, 3401.11, 3401.20.0000,

¹ Although the regulation states that the Secretary of the Treasury must approve the issuance of a Finding, the Secretary of the Treasury delegated this authority to the Secretary of Homeland Security in Treasury Order No. 100–16 (68 FR 28322). In Delegation Order 7010.3, Section II.A.3, the Secretary of Homeland Security delegated the authority to issue a Finding to the Commissioner of CBP, with the approval of the Secretary of Homeland Security. The Commissioner of CBP, in turn, delegated the authority to make a Finding regarding prohibited goods under 19 U.S.C. 1307 to the Executive Assistant Commissioner, Office of Trade.

² The Finding was also published in the *Customs Bulletin and Decisions* (Vol. 56, No. 6, p. 4) on February 16, 2022.

3401.19.0000, 3823.12.0000, 3823.19.2000, 3823.70.6000, 3823.70.4000, 3824.99.41 and any other relevant subheadings under Chapters 12, 15, 23, 29 and 38, which are produced or manufactured wholly or in part by the Sime Darby Plantation, its subsidiaries, and joint ventures.

Dated: January 31, 2023.

ANNMARIE R. HIGHSMITH,
*Executive Assistant Commissioner,
Office of Trade.*

RECEIPT OF APPLICATION FOR “LEVER-RULE” PROTECTION

AGENCY: Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: Notice of receipt of application for “Lever-Rule” protection.

SUMMARY: Pursuant to 19 CFR 133.2(f), this notice advises interested parties that CBP has received an application from LifeScan IP Holdings, LLC, seeking “Lever-Rule” protection for the federally registered and recorded “ONETOUCH ULTRA” trademark.

FOR FURTHER INFORMATION CONTACT: Morgan McPherson, Intellectual Property Rights Branch, Regulations & Rulings, Morgan.N.McPherson@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Pursuant to 19 CFR 133.2(f), this notice advises interested parties that CBP has received an application from LifeScan IP Holdings, LLC seeking “Lever-Rule” protection. Protection is sought against importations of foreign-made blood glucose testing strips and blood glucose monitors intended for sale outside the United States that bear the recorded “ONETOUCH ULTRA” mark, U.S. Trademark Registration No. 2,538,658/CBP Recordation No. TMK 03–00074. In the event that CBP determines that the blood glucose testing strips and blood glucose monitors under consideration are physically and materially different from the blood glucose testing strips and blood glucose monitors authorized for sale in the United States, CBP will publish a notice in the Customs Bulletin, pursuant to 19 CFR 133.2(f), indicating that the above-referenced trademarks are entitled to “Lever-Rule” protection with respect to those physically and materially different blood glucose testing strips and blood glucose monitors.

Dated: February 9, 2023

COLIN COLT
*Acting Chief, Intellectual Property
Enforcement Branch
Regulations and Rulings, Office of
International Trade*

**COPYRIGHT, TRADEMARK, AND TRADE NAME
RECORDATIONS
(No. 10 2022)**

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

SUMMARY: The following copyrights, trademarks, and trade names were recorded with U.S. Customs and Border Protection in October 2022. A total of 196 recordation applications were approved, consisting of 8 copyrights and 188 trademarks.

Corrections or updates may be sent to: Intellectual Property Enforcement Branch, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection, 90 K Street, NE., 10th Floor, Washington, D.C. 20229-1177, or via email at iprrquestions@cbp.dhs.gov.

FOR FURTHER INFORMATION CONTACT: Zachary Ewing, Paralegal Specialist, Intellectual Property Enforcement Branch, Regulations and Rulings, Office of Trade at (202) 325-0295.

ALAINA VAN HORN
*Chief, Intellectual Property Enforcement
Branch
Regulations and Rulings, Office of Trade*

CBP IPR RECORDATION — OCTOBER 2022

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
COP 22-00052	10/27/2022	10/27/2042	Office Professional Plus 2021.	Microsoft Corporation	No
COP 22-00051	10/25/2022	10/25/2042	Huggy Wuggy 2D.	EnchantedMob, Inc.	No
COP 22-00050	10/21/2022	10/21/2042	CIRCLE LOOP.	Kassandra Thatcher. Address: PO Box 1282, Montauk, NY, 11954, United States.	No
COP 22-00049	10/20/2022	10/20/2042	PopPuck Illustrations and 3 Other Un-published Works.	PopSockets LLC. Address: 5757 Central Ave., Boulder, CO, 80301.	No
COP 22-00048	10/12/2022	10/12/2042	A Mano Pyramide.	Artistic Tile, Inc.	No
COP 22-00047	10/12/2022	10/12/2042	A Mano Diamante.	Artistic Tile, Inc.	No
COP 22-00046	10/12/2022	10/12/2042	Wisteria.	Artistic Tile, Inc.	No
COP 22-00045	10/4/2022	10/4/2042	Galileo 52-Inch 5-Blade Chrome Lighted Ceiling Fans with Crystal Bowl Shade.	Warehouse of Tiffany, Transfer: By written agreement. Address: 4008 W. Jefferson Blvd., Los Angeles.	No
TMK 13-00630	6/17/2013	12/12/2022	SUPREME	Chapter 4 Corp dba Supreme	No
TMK 16-00043	1/13/2016	1/16/2023	DESIGN ONLY	Illinois Tool Works Inc.	No
TMK 17-00235	2/23/2017	1/3/2023	HONORA (Stylized)	RICHLINE GROUP, INC.	No
TMK 12-00414	4/1/2022	7/3/2032	EL SABOR DE MEXICO	EL SABOR DE MEXICO, INC.	No
TMK 21-00039	7/15/2022	5/21/2032	C CUMMINS (STYLIZED)	Cummins Inc.	No
TMK 22-00942	8/1/2022	1/11/2032	MALIBU Bottle Design	THE ABSOLUT COMPANY AKTIEBO-LAG	No
TMK 08-00605	8/5/2022	5/19/2022	QUIETCOMFORT	Bose Corporation	No
TMK 22-00962	9/8/2022	7/3/2032	HEAD & SHOULDERS	PROCTER & GAMBLE COMPANY, THE CORPORATION	No
TMK 17-00482	9/9/2022	2/6/2033	F-TYPE	JAGUAR LAND ROVER LIMITED	No
TMK 08-00519	9/9/2022	6/12/2032	TOSHIBA	Kabushiki Kaisha Toshiba DBA Toshiba Corporation Japan	No

CBP IPR RECORDATION — OCTOBER 2022

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	G/M Restricted
TMK 20-00769	9/21/2022	5/28/2032	GREENCHIP & DESIGN	NXP B.V. Limited Company NETHERLANDS	No
TMK 22-00859	9/27/2022	5/14/2032	BD Veritor & Design	Becton, Dickinson and Company	No
TMK 22-00843	9/27/2022	11/7/2030	Configuration of Eternity Perfume Botte	CALVIN KLEIN COSMETIC CORPORATION	No
TMK 22-00844	9/27/2022	11/7/2030	Configuration of ETERNITY Bottle & Design	CALVIN KLEIN COSMETICS CORPORATION	No
TMK 22-00841	9/27/2022	6/3/2029	THE CHILDREN'S CABINET	The Children's Cabinet, Inc.	No
TMK 22-00840	9/27/2022	4/21/2024	THE PLANKET	BRAINCHILD, INC.	No
TMK 22-00857	9/27/2022	8/4/2030	EUPHORIA	Calvin Klein Cosmetic Corp	No
TMK 22-00858	9/27/2022	9/15/2030	IN2U	Calvin Klein Cosmetic Corporation	No
TMK 04-00643	9/28/2022	12/7/2032	STP & DESIGN	THE ARMOR ALL/STP PRODUCTS CO.	No
TMK 22-00866	9/28/2022	7/19/2032	DIAMOND GRIP	Ansell Healthcare Products LLC	No
TMK 22-00871	9/28/2022	8/4/2031	DESIGN OF HOLSTER	Vista Outdoor Operations LLC	No
TMK 22-00869	9/28/2022	9/27/2032	PRESIDIO	Sellmark Corporation	No
TMK 22-00856	9/28/2022	6/9/2030	GIRO	Bell Sports, Inc.	No
TMK 22-00853	9/28/2022	7/17/2027	COBALT (STYLIZED)	ANSELL HEALTHCARE PRODUCTS LLC	No
TMK 22-00865	9/28/2022	4/12/2031	QUIETKAT	QuietKat, Inc.	No
TMK 22-00879	9/29/2022	11/16/2032	İNAO	Bora Creations S.L. SPAIN	No
TMK 22-00855	9/29/2022	7/14/2029	LUK & DESIGN	Schaeffler Technologies AG & Co. KG CORPORATION Germany	No
TMK 22-00870	9/29/2022	9/12/2032	AFFRESH	Whirlpool Properties, Inc.	No
TMK 22-00863	9/29/2022	11/6/2029	AVENOR	Insider Goods LLC	No

CBP IPR RECORDATION — OCTOBER 2022

Recordation No.	Effective Date	Expiration Date	Name of Cop/TmK/TmM	Owner Name	GM Restricted
TMK 22-00864	9/29/2022	11/13/2029	N1FT	INSIDER GOODS LLC	No
TMK 13-01237	9/30/2022	7/10/2032	CK ONE SHOCK	Calvin Klein Trust	No
TMK 22-00850	9/30/2022	12/3/2031	PRIUS	Toyota Jidosha Kabushiki Kaisha AKA Toyota Motor Corporation	No
TMK 22-00848	9/30/2022	12/9/2027	CK BE (STYLIZED)	Calvin Klein Trademark Trust	No
TMK 22-00851	9/30/2022	8/7/2032	TOYOTA LOGO DESIGN	TOYOTA JIDOSHA KABUSHIKI KAI-SHA, DBA TOYOTA MOTOR CORPORATION	No
TMK 20-00702	9/30/2022	10/9/2032	LAND CRUISER	Toyota Motor Corporation	No
TMK 22-00845	9/30/2022	1/30/2031	L and Design	Toyota Jidosha Kabushiki Kaisha t/a Toyota Motor Corporation	No
TMK 22-00852	9/30/2022	6/12/2032	L and Design	Toyota Jidosha Kabushiki Kaisha DBA Toyota Motor Corporation	No
TMK 22-00849	9/30/2022	9/19/2031	SEQUOIA	Toyota Jidosha Kabushiki Kaisha TA Toyota Motor Corporation	No
TMK 22-00846	9/30/2022	9/30/2032	TOYOTA	TOYOTA JIDOSHA KABUSHIKI KAI-SHA, trading as TOYOTA MOTOR CORPORATION	No
TMK 22-00839	9/30/2022	7/9/2032	REBIF	ARES TRADING S.A.	No
TMK 22-00867	10/1/2022	12/27/2032	HEAD WORKS ART	Taylor, Donald	No
TMK 22-00868	10/1/2022	12/27/2032	MINDFULLY MOTIVATED	Taylor, Donald 211	No
TMK 22-00847	10/2/2022	10/29/2027	NEOSTRATA	JOHNSON & JOHNSON	No
TMK 22-00862	10/3/2022	10/2/2029	PARTY PATCH & DESIGN	Transdermal Solutions, LLC	No
TMK 22-00854	10/3/2022	10/29/2028	SHERIFF	UETA, INC.	No

CBP IPR RECORDATION — OCTOBER 2022

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 19-00569	10/3/2022	10/7/2032	BLANTON'S	Age International, Inc. DBA Blanton Distilling Company	No
TMK 22-00885	10/4/2022	2/20/2028	GIA ID100	Gemological Institute of America, Inc.	No
TMK 22-00872	10/4/2022	11/17/2031	TAJIN & DESIGN	INDUSTRIAS TAJIN, S.A. MEXICO	No
TMK 22-00861	10/4/2022	1/6/2026	GAMES WORKSHOP	Games Workshop Limited limited company UNITED KINGDOM	No
TMK 22-00878	10/4/2022	8/7/2029	GIA ALUMNI & DESIGN	Gemological Institute of America, Inc.	No
TMK 22-00877	10/4/2022	8/7/2023	GIA GIA KNOWLEDGE INTEGRITY EXCELLENCE 1931 & DESIGN	Gemological Institute of America, Inc.	No
TMK 22-00842	10/4/2022	1/5/2033	HARRIS	L3HARRIS TECHNOLOGIES, INC.	No
TMK 22-00876	10/4/2022	5/3/2024	GIA	Gemological Institute of America, Inc.	No
TMK 22-00873	10/4/2022	6/16/2029	GEMS & GEMOLOGY	Gemological Institute of America, Inc.	No
TMK 22-00874	10/4/2022	7/6/2029	GIA	Gemological Institute of America, Inc.	No
TMK 22-00860	10/4/2022	4/6/2025	GW	Games Workshop Limited UNITED KINGDOM	No
TMK 22-00875	10/4/2022	9/4/2032	GIA	Gemological Institute of America, Inc.	No
TMK 22-00889	10/5/2022	10/6/2031	LGDR	Gemological Institute of America, Inc.	No
TMK 22-00886	10/5/2022	11/30/2031	GRADUATE GEMOLOGIST	Gemological Institute of America, Inc.	No
TMK 22-00884	10/5/2022	9/20/2027	GIA DIAMONDHECK & DESIGN	Gemological Institute of America, Inc.	No
TMK 22-00883	10/5/2022	7/12/2032	CERVEZA BRAVO MÉXICO EL SABOR DE MI GENTE	Bravo Latino Brands, LLC.	No
TMK 22-00881	10/5/2022	6/24/2030	GIA SEAL DESIGN	Gemological Institute of America, Inc.	No
TMK 22-00880	10/5/2022	8/24/2026	PARTY PATCH	Party Patch, LLC	No
TMK 20-01188	10/5/2022	12/4/2032	CRANKBROTHERS	Crank Brothers, Inc	No

CBP IPR RECORDATION — OCTOBER 2022

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Trm	Owner Name	GM Restricted
TMK 10-01050	10/5/2022	7/23/2032	CHEVROLET	GENERAL MOTORS LLC	No
TMK 12-00791	10/5/2022	10/14/2032	CADILLAC	General Motors LLC	No
TMK 22-00887	10/5/2022	4/24/2027	CALIFORNIA LOCOS	Four Point Star, LLC	No
TMK 03-00662	10/5/2022	1/8/2033	M & O KNITS & DESIGN	M & O ACTIVEWEAR, INC.	No
TMK 14-00860	10/5/2022	10/16/2032	BUICK	GENERAL MOTORS LLC	No
TMK 15-00128	10/5/2022	10/10/2032	ZL1	General Motors LLC	No
TMK 10-01007	10/5/2022	10/7/2032	Buick Emblem	GENERAL MOTORS LLC	No
TMK 12-00430	10/5/2022	7/7/2032	BUICK	General Motors LLC	No
TMK 22-00888	10/5/2022	7/16/2032	Design (Chevrolet Emblem)	GENERAL MOTORS LLC	No
TMK 03-00847	10/5/2022	2/2/2033	Buck Head Silhouette (Design)	Browning	No
TMK 22-00882	10/5/2022	3/7/2032	PAPR100-P	U.S. Department of Health and Human Services	No
TMK 18-00961	10/6/2022	11/11/2032	KIBBLESN BITS	BIG HEART PET, INC.	No
TMK 18-00954	10/6/2022	10/17/2032	CAFÉ BUSTELO	THE FOLGER COFFEE COMPANY	No
TMK 13-00829	10/6/2022	10/10/2032	AMAZON & DESIGN	Amazon Technologies, Inc.	No
TMK 22-00890	10/6/2022	4/15/2029	FORESIGHT SPORTS	WAWGD NEWCO, LLC	No
TMK 22-00896	10/7/2022	8/3/2025	IRONSTONE VINEYARDS	Kautz Vineyards, Inc.	No
TMK 22-00897	10/7/2022	5/15/2032	POPPUCK	PopSockets LLC	No
TMK 22-00892	10/7/2022	8/5/2032	BUICK	GENERAL MOTORS CORPORATION	No
TMK 22-00894	10/7/2022	8/5/2032	GM & DESIGN	GENERAL MOTORS LLC	No
TMK 22-00893	10/7/2022	8/5/2032	BUICK	GENERAL MOTORS LLC	No
TMK 22-00895	10/7/2022	9/16/2032	BUICK	GENERAL MOTORS LLC	No

CBP IPR RECORDATION — OCTOBER 2022

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Trm	Owner Name	G/M Restricted
TMK 22-00898	10/7/2022	5/16/2026	X-LIFE	Schaeffler Technologies AG & Co. GER-MANY	No
TMK 12-00676	10/7/2022	1/11/2032	BLU-RAY 3D (STYLIZED)	Blu-ray Disc Association	No
TMK 12-00685	10/7/2022	1/11/2032	BLU-RAY 3D (STYLIZED)	Blu-ray Disc Association	No
TMK 22-00891	10/7/2022	9/4/2032	EDEN	Eden Stone Co., Inc.	No
TMK 22-00902	10/10/2022	1/13/2031	BORNE OFF-ROAD	RESOURCE INTL INC.	No
TMK 12-00932	10/11/2022	10/9/2032	PIKMIN	Nintendo of America Inc.	No
TMK 22-00903	10/11/2022	8/12/2030	MNML (STYLIZED)	Scott Wilson Design, Ltd.	No
TMK 22-00911	10/11/2022	12/30/2023	ABANGO & DESIGN	Empacadora Therbal, S.A. de C.V.	No
TMK 22-00906	10/11/2022	3/8/2026	BLAUPUNKT & DESIGN	GIP Development 2-4 LUXEMBOURG	No
TMK 22-00899	10/11/2022	1/4/2033	VELLANO FORGED WHEELS	Stevens, Sean	No
TMK 03-00654	10/11/2022	11/4/2032	SOX (STYLIZED)	CHICAGO WHITE SOX LTD.	No
TMK 22-00907	10/11/2022	3/30/2025	LIQUID CHILL	RESOURCE INTL INC.	No
TMK 22-00905	10/11/2022	1/18/2027	MISHIMOTO	RESOURCE INTL INC.	No
TMK 22-00913	10/11/2022	10/8/2023	PLATINUM SERIES	Concorde Battery Corporation	No
TMK 22-00908	10/11/2022	9/4/2023	MISHIMOTO (STYLIZED)	RESOURCE INTL INC.	No
TMK 22-00901	10/11/2022	1/13/2031	BORNE OFF-ROAD	RESOURCE INTL INC.	No
TMK 22-00904	10/11/2022	1/23/2029	THE WORLD LEADER IN PERFORMANCE COOLING PRODUCTS	RESOURCE INTL INC.	No
TMK 22-00909	10/11/2022	8/14/2023	M (STYLIZED)	RESOURCE INTL INC.	No
TMK 22-00912	10/11/2022	4/8/2022	THE HEART OF YOUR AIRCRAFT	Concorde Battery Corporation	No
TMK 22-00900	10/11/2022	7/19/2032	CHIQUE ROYAL & LANGNICKEL & DESIGN	Royal Brush Manufacturing, Inc.	No

CBP IPR RECORDATION — OCTOBER 2022

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Trm	Owner Name	G/M Restricted
TMK 22-00910	10/11/2022	8/29/2032	GU	Advanced Food Concepts, Incorporated	No
TMK 17-00639	10/12/2022	10/17/2032	DESIGN OF DRAGON MARK	Cambria Company LLC	No
TMK 17-00640	10/12/2022	10/17/2032	DESIGN OF DRAGON	Cambria Company LLC	No
TMK 17-00642	10/12/2022	10/24/2032	CAMBRIA	Cambria Company LLC	No
TMK 13-00388	10/12/2022	12/8/2032	LIFELINE & DESIGN	Concorde Battery Corporation	No
TMK 22-00916	10/13/2022	10/4/2027	TROY	Troy Industries, Inc.	No
TMK 22-00914	10/13/2022	4/30/2028	ENO	Eagles Nest Outfitters, Inc.	No
TMK 22-00915	10/13/2022	7/24/2032	ARMOUR	Under Armour, Inc.	No
TMK 12-00887	10/13/2022	7/14/2032	BVLGARI	BULGARI S.P.A.	No
TMK 03-00971	10/13/2022	7/21/2032	AUTO METER & DESIGN	Auto Meter Products, Inc.	No
TMK 04-00023	10/14/2022	10/16/2032	Blue Tablet design	UPJOHN US 1 LLC	No
TMK 22-00921	10/14/2022	9/21/2031	BARDEN	SCHAEFFLER TECHNOLOGIES AG & CO. KG LIMITED PARTNERSHIP GER-MANY	No
TMK 22-00929	10/14/2022	12/15/2025	CHIPS AHOY ! & DESIGN	Intercontinental Great Brands LLC	No
TMK 22-00917	10/14/2022	9/11/2032	Leaping Deer Design	Deere & Company	No
TMK 22-00919	10/14/2022	9/25/2032	JOHN DEERE and Design	Deere & Company	No
TMK 22-00918	10/14/2022	6/14/2025	NABISCO	Nabisco, Inc.	No
TMK 22-00923	10/15/2022	9/27/2025	OREO & DESIGN	INTERCONTINENTAL GREAT BRANDS LLC	No
TMK 22-00920	10/15/2022	11/12/2023	OREO	INTERCONTINENTAL GREAT BRANDS LLC	No
TMK 22-00928	10/15/2022	5/14/2027	DESIGN OF COOKIE	Intercontinental Great Brands LLC 100	No
TMK 22-00930	10/15/2022	10/14/2025	DESIGN OF OREO	Intercontinental Great Brands LLC	No

CBP IPR RECORDATION — OCTOBER 2022

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	Gm Restricted
TMK 22-00933	10/15/2022	4/12/2033	OREO MILK'S FAVORITE COOKIE & DESIGN	INTERCONTINENTAL GREAT BRANDS LLC	No
TMK 22-00934	10/15/2022	8/3/2031	OREO (STYLIZED)	INTERCONTINENTAL GREAT BRANDS LLC	No
TMK 22-00925	10/15/2022	2/5/2033	DESIGN OF CANDY PATTERN	INTERCONTINENTAL GREAT BRANDS LLC	No
TMK 22-00924	10/15/2022	3/28/2030	SOUR PATCH	MONDELEZ CANADA INC. CANADA	No
TMK 22-00932	10/15/2022	6/19/2023	SOUR PATCH KIDS & DESIGN	MONDELEZ CANADA INC. CANADA	No
TMK 22-00931	10/15/2022	9/24/2024	SOUR THEN SWEET	Mondelez Canada Inc. CANADA	No
TMK 22-00926	10/15/2022	5/10/2024	DESIGN OF SOUR PATCH KID	MONDELEZ CANADA INC. CANADA	No
TMK 22-00927	10/15/2022	10/10/2028	DESIGN OF SOUR PATCH	Mondelez Canada, Inc. CANADA	No
TMK 22-00922	10/15/2022	7/10/2024	SWEDISH FISH	INTERCONTINENTAL GREAT BRANDS LLC	No
TMK 22-00935	10/17/2022	5/19/2031	SYNCON	PHILLIPS 66 COMPANY	No
TMK 03-00658	10/18/2022	8/14/2032	SILHOUETTED BATTER LOGO DESIGN	MAJOR LEAGUE BASEBALL PROPERTIES, INC.	No
TMK 03-00008	10/18/2022	8/28/2032	DESIGN OF MAN SWINGING	MAJOR LEAGUE BASEBALL PROPERTIES	No
TMK 03-00540	10/18/2022	11/6/2032	SILHOUETTED BATTER LOGO DESIGN	MAJOR LEAGUE BASEBALL PROPERTIES, INC.	No
TMK 22-00937	10/18/2022	9/17/2023	PS (STYLIZED)	SONY INTERACTIVE ENTERTAINMENT INC. JAPAN	No
TMK 03-00009	10/18/2022	2/13/2031	D-BACKS	AZPB LIMITED PARTNERSHIP	No
TMK 03-00458	10/18/2022	8/14/2032	SILHOUETTED BATTER LOGO DESIGN	MAJOR LEAGUE BSEBALL PROPERTIES	No

CBP IPR RECORDATION — OCTOBER 2022

Recordation No.	Effective Date	Expiration Date	Name of Cop/TmK/TmM	Owner Name	G/M Restricted
TMK 22-00936	10/18/2022	9/28/2026	GAN & Design	JIANG, GAN YUAN, CHINA	No
TMK 22-00941	10/18/2022	11/30/2032	BING BLU	Inspiration Beverage Company, LLC	No
TMK 16-00411	10/19/2022	10/24/2032	CARTIER (Stylized)	Cartier International A.G.	No
TMK 04-00249	10/19/2022	10/13/2032	GUCCI	GUCCI AMERICA, INC.	No
TMK 22-00938	10/19/2022	9/21/2032	PS4	Sony Interactive Entertainment Inc.	No
TMK 22-00940	10/19/2022	3/13/2026	PLAYSTATION	SONY INTERACTIVE ENTERTAINMENT INC. JAPAN	No
TMK 22-00939	10/19/2022	11/12/2028	PS (STYLIZED)	Kabushiki Kaisha Sony Computer Entertainment	No
TMK 22-00944	10/19/2022	12/22/2025	FELLOW	FELLOW INDUSTRIES INC.	No
TMK 22-00946	10/19/2022	1/4/2033	RADCO & DESIGN	Radco Industries, Inc.	No
TMK 12-01323	10/19/2022	12/20/2032	LV & DESIGN	LOUIS VUITTON MALLETIER	No
TMK 18-00595	10/19/2022	2/26/2033	ZIPPO	ZIPPMARK, INC.	No
TMK 17-00638	10/19/2022	10/23/2032	FILSON	C.C. FILSON CO.	No
TMK 22-00943	10/19/2022	3/28/2032	FRAGRANCE WORLD & DESIGN	Fragrance World Trading LLC ARAB EMIRATES	No
TMK 15-01169	10/19/2022	5/25/2032	BELL HELMETS & DESIGN	BELL SPORTS, INC.	No
TMK 22-00945	10/20/2022	11/16/2026	STAGG	Fellow Industries Inc.	No
TMK 22-00949	10/20/2022	2/12/2030	HEY DUDE (STYLIZED)	FULL FORTUNE INTELLECTUAL LIMITED HONG KONG	No
TMK 22-00947	10/20/2022	7/24/2028	HEY DUDE (STYLIZED)	FULL FORTUNE INTELLECTUAL LIMITED HONG KONG	No
TMK 22-00948	10/20/2022	10/17/2028	HEY DUDE	FULL FORTUNE INTELLECTUAL LIMITED HONG KONG	No

CBP IPR RECORDATION — OCTOBER 2022

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	Gm Restricted
TMK 22-00950	10/21/2022	11/16/2032	AMFERIA	Amferia AB SWEDEN	No
TMK 22-00955	10/23/2022	12/1/2022	INTERNATIONAL FUEL GAS CODE	INTERNATIONAL CODE COUNCIL, INC.	No
TMK 22-00953	10/23/2022	12/12/2030	INTERNATIONAL BUILDING CODE	INTERNATIONAL CODE COUNCIL, INC.	No
TMK 22-00956	10/23/2022	3/7/2030	INTERNATIONAL PLUMBING CODE	INTERNATIONAL CODE COUNCIL, INC.	No
TMK 22-00951	10/23/2022	3/5/2031	INTERNATIONAL FIRE CODE	INTERNATIONAL CODE COUNCIL, INC.	No
TMK 22-00952	10/23/2022	12/12/2030	INTERNATIONAL MECHANICAL CODE	INTERNATIONAL CODE COUNCIL, INC.	No
TMK 22-00954	10/23/2022	9/6/2030	INTERNATIONAL RESIDENTIAL CODE	INTERNATIONAL CODE COUNCIL, INC.	No
TMK 22-00958	10/24/2022	8/12/2028	BOING! (STYLIZED)	SOCIEDAD COOPERATIVA TRABAJADORE de Pascual S.C.L.	No
TMK 22-00957	10/24/2022	8/22/2028	VTRACK	Koninklijke Philips N.V. NETHERLANDS	No
TMK 20-01229	10/24/2022	8/8/2032	LOS DOYERS	Los Angeles Dodgers LLC	No
TMK 22-00959	10/25/2022	2/16/2032	TRU BLU SERVICES & Design	ORIGINAL APPLICANT: TruBlu Services LLC 1716 Young Road Lithonia GEORGIA GHAOWNER AT PUBLICATION: TruBlu Services LLC 1716 Young Road Lithonia GEORGIA ORIGINAL REGISTRANT: TruBlu Services LLC 1716 Young Road Lithonia GEORGIA	No
TMK 22-00960	10/25/2022	11/3/2030	BRAHMIN	Brahmin Leather Works, Inc.	No
TMK 12-00433	10/26/2022	7/17/2032	WHITE HOUSE BLACK MARKET	CHICO'S BRANDS INVESTMENTS, INC.	No
TMK 22-00966	10/26/2022	6/30/2032	CADILLAC	GENERAL MOTORS LLC	No

CBP IPR RECORDATION — OCTOBER 2022

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	G/M Restricted
TMK 22-00965	10/26/2022	7/6/2029	GEMOLOGICAL INSTITUTE OF AMERICA	Gemological Institute of America, Inc.	No
TMK 11-01417	10/26/2022	7/23/2032	PONTIAC	GENERAL MOTORS LLC	No
TMK 22-00964	10/26/2022	8/22/2032	UNITED STATES COAST GUARD 1790 + DESIGN	United States Department of Homeland Security agency of the united states government	No
TMK 22-00969	10/26/2022	4/15/2028	SKF & DESIGN	AKTIEBOLAGET SWEDEIN	No
TMK 16-00043	10/26/2022	10/16/2032	COLOR BLUE APPLIED TO ARC WELDER	Illinois Tool Works Inc.	No
TMK 22-00961	10/26/2022	7/3/2032	GAME TIME	BRODER BROS., CO.	No
TMK 22-00968	10/26/2022	1/12/2028	SKF (STYLIZED)	SKF USA INC.	No
TMK 22-00963	10/26/2022	8/1/2032	UNIVERSAL and Design	Universal City Studios LLC	No
TMK 13-00731	10/26/2022	11/11/2032	WOOD LOCK	WONG TO YICK WOOD LOCK OINTMENT	No
TMK 06-00510	10/26/2022	8/28/2032	AE	Retail Royalty Company	No
TMK 17-00063	10/26/2022	12/20/2031	AMERICAN QUALITY MAVERICK CIGARETTES & DESIGN	ITG BRANDS, LLC	No
TMK 22-00971	10/27/2022	3/18/2025	SKF (STYLIZED)	AKTIEBOLAGET SKF CORPORATION SWEDEN	No
TMK 22-00967	10/27/2022	10/10/2028	MIN NEW YORK	RED MATTER HOLDINGS, LLC	No
TMK 15-00795	10/27/2022	12/8/2032	JONES NEW YORK	JONES INVESTMENT CO., INC.	No
TMK 22-00970	10/27/2022	12/11/2031	Minnesota Wild Animal Head Design	MINNESOTA WILD HOCKEY CLUB, LP Wild GP Acquisition, LLC and Wild LP Acquisition LLC	No

**COPYRIGHT, TRADEMARK, AND TRADE NAME
RECORDATIONS
(NO. 11 2022)**

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

SUMMARY: The following copyrights, trademarks, and trade names were recorded with U.S. Customs and Border Protection in November 2022. A total of 165 recordation applications were approved, consisting of 8 copyrights and 157 trademarks.

Corrections or updates may be sent to: Intellectual Property Enforcement Branch, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection, 90 K Street, NE., 10th Floor, Washington, D.C. 20229-1177, or via email at iprrquestions@cbp.dhs.gov.

FOR FURTHER INFORMATION CONTACT: Zachary Ewing, Paralegal Specialist, Intellectual Property Enforcement Branch, Regulations and Rulings, Office of Trade at (202) 325-0295.

COLIN COLT
*Acting Chief, Intellectual Property
Enforcement Branch
Regulations and Rulings, Office of Trade*

CBP IPR RECORDATION — NOVEMBER 2022

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Tm	Owner Name	GM Restricted
COP 22-00053	11/3/2022	11/3/2042	Kirby and the Forgotten Land.	HAL Laboratory, Inc., Transfer: By written agreement. Address: 1-22, Kandasuda-cho, Chiyoda-ku, Tokyo, 101-0041, Japan.	No
COP 22-00054	11/4/2022	11/4/2042	Nintendo Switch Sports.	Nintendo of America Inc., Transfer: By written agreement. Address: 4600 150th Avenue NE, Redmond, WA, 98052, United States.	No
COP 22-00055	11/4/2022	11/4/2042	Splatoon 3.	Nintendo of America Inc., Transfer: By written agreement. Address: 4600 150th Avenue NE, Redmond, WA, 98052, United States.	No
COP 22-00056	11/4/2022	11/4/2042	Mario Strikers : Battle League.	Nintendo of America Inc., Transfer: By written agreement. Address: 4600 150th Avenue NE, Redmond, WA, 98052, United States.	No
COP 22-00057	11/16/2022	11/16/2042	Group of Nicole Lee Paris, Nature, and Other Prints	NICOLE LEE. Address: 1133 SOUTH BOYLE AVENUE, LOS ANGELES, CA, 90023, United States.	No
COP 22-00058	11/16/2022	11/16/2042	Group of Nikky by Nicole Lee Prints	NICOLE LEE. Address: 1133 SOUTH BOYLE AVENUE, LOS ANGELES, CA, 90023, United States.	No
COP 22-00059	11/25/2022	11/25/2042	1920's Dream and 8 Other Unpublished Works.	Amy Murray, 1980 . Address: 4708 Tortuga Trail, Wichita Falls, TX, 76309, United States.	No
COP 22-00060	11/29/2022	11/29/2042	CALYPSO	Artistic Tile, Inc.	No
TMK 02-01041	11/8/2022	11/24/2032	ALLIGATOR DESIGN	LACOSTE ALLIGATOR S.A.	No
TMK 03-00753	11/8/2022	1/20/2032	GREENSHELL	NEW ZEALAND MUSSEL INDUSTRY	No

CBP IPR RECORDATION — NOVEMBER 2022

Recordation No.	Effective Date	Expiration Date	Name of Cop/TmK/TmM	Owner Name	G/M Restricted
TMK 04-00357	8/9/2022	8/10/2032	PEPSODENT (STYLIZED)	CHURCH & DWIGHT CO., INC.	
TMK 04-00926	11/9/2022	10/23/2032	DREAMWORKS & DESIGN	DREAMWORKS ANIMATION L.L.C.	No
TMK 04-00991	12/10/2014	6/10/2032	NHL & Shield Design	NATIONAL HOCKEY LEAGUE NOT FOR PROFIT ASSOCIATION	No
TMK 05-00758	11/29/2022	12/23/2032	CAT	CATERPILLAR INC.	No
TMK 05-00997	11/10/2022	8/7/2032	CHROME HEARTS and Scroll Design	Chrome Hearts, LLC	No
TMK 07-00062	7/11/2012	7/28/2032	FIRST RESPONSE	Church & Dwight Co., Inc.	No
TMK 08-00050	11/28/2022	12/5/2032	GIVENCHY	LVMH FRAGRANCE BRANDS	No
TMK 09-00247	11/17/2022	1/11/2028	ROCKPORT	Rockport Company LLC, The	No
TMK 10-00966	10/24/2012	12/18/2022	STI	Fuji Jukogyo Kabushiki Kaisha ta Fuji Heavy Industries Ltd.	No
TMK 12-00506	11/2/2022	8/1/2032	JOHN CARTER OF MARS	Edgar Rice Burroughs, Inc.	No
TMK 12-01021	11/21/2022	8/29/2032	1R-0716	Caterpillar Inc.	No
TMK 12-01028	11/21/2022	8/29/2032	1R-1808	Caterpillar Inc.	No
TMK 12-01123	11/4/2022	11/14/2032	NINTENDO 3DS & DESIGN	Nintendo of America Inc.	No
TMK 12-01395	11/4/2022	1/30/2033	NINTENDO 3DS & DESIGN	Nintendo of America Inc.	No
TMK 13-00129	11/10/2022	8/22/2032	MS3	Magpul Industries Corp.	No
TMK 13-00228	2/28/2013	2/4/2023	SMITH & WESSON	Smith & Wesson Corp.	No
TMK 13-00379	11/21/2022	11/21/2032	M & P	Smith & Wesson Corp.	No
TMK 13-00683	11/2/2022	9/5/2032	PLUG-N-TOW	etrailer Corporation	No
TMK 13-01254	11/10/2022	11/20/2032	P-38 LIGHTNING	Lockheed Martin Corporation	No
TMK 14-00021	11/17/2022	8/8/2032	PILLOW PETS	CJ PRODUCTS, INC.	No
TMK 14-00392	11/1/2022	12/11/2032	GEN 4	Glock, Inc.	No

CBP IPR RECORDATION — NOVEMBER 2022

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Tm	Owner Name	GM Restricted
TMK 14-00777	11/17/2022	11/21/2032	CATERPILLAR	Caterpillar Inc.	No
TMK 15-00024	11/10/2022	8/22/2032	AFG-2	Magpul Industries Corp.	No
TMK 15-00397	11/11/2022	12/25/2032	FRIENDLY LITHIUM	Mid-Continent Instrument Co., Inc.	No
TMK 17-00010	9/20/2022	10/13/2032	VEUVE CLICQUOT PONSARDIN	MHCS	No
TMK 17-00080	11/8/2022	12/10/2032	DESIGN OF INTERLOCKING CIRCLES	ITG BRANDS, LLC	No
TMK 17-00133	11/18/2022	11/21/2032	COLT	NEW COLT HOLDING CORP.	No
TMK 17-00903	11/10/2022	11/13/2032	Configuration of violin and viola shoulder rest	Kun Shoulder Rest Inc.	No
TMK 18-01205	5/24/2022	8/1/2032	CAMELBAK	CamelBak Products, LLC	No
TMK 19-00450	10/24/2022	11/14/2032	DESIGN OF CIRCLE WITH BANNER	Top Tobacco, LP	No
TMK 19-00470	4/23/2019	2/7/2023	IT'S TIME TO ROLL YOUR OWN	Top Tobacco, LP	No
TMK 19-00833	10/4/2022	1/13/2023	LAVAZZA	Luigi Lavazza S.p.A.	No
TMK 20-00244	10/21/2022	1/27/2033	427 S/C	CARROLL HALL SHELBY TRUST	No
TMK 22-00041	11/10/2022	9/11/2032	DELPHI	DELPHI TECHNOLOGIES IP LIMITED	No
TMK 22-00972	11/4/2022	8/2/2027	DREAMWORKS TROLLS	DreamWorks Animation L.L.C.	No
TMK 22-00974	11/4/2022	2/22/2027	JURASSIC WORLD	Universal City Studios LLC	No
TMK 22-00975	11/4/2022	4/28/2030	DREAMWORKS TROLLS	DreamWorks Animation L.L.C.	No
TMK 22-00976	11/4/2022	8/2/2027	DREAMWORKS TROLLS	DreamWorks Animation L.L.C.	No
TMK 22-00977	11/4/2022	6/20/2028	FAST & FURIOUS	DreamWorks Animation L.L.C.	No
TMK 22-00978	11/4/2022	6/20/2028	FAST & FURIOUS	Universal City Studios LLC	No
TMK 22-00979	11/4/2022	11/21/2028	FAST & FURIOUS	Universal City Studios LLC	No
TMK 22-00980	11/4/2022	11/21/2028	DREAMWORKS THE BOSS BABY	DreamWorks Animation L.L.C.	No
TMK 22-00981	11/3/2022	7/10/2028	DREAMWORKS THE BOSS BABY	DreamWorks Animation L.L.C.	No

CBP IPR RECORDATION — NOVEMBER 2022

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Trm	Owner Name	G/M Restricted
TMK 22-00982	11/3/2022	10/3/2028	DREAMWORKS SPIRIT RIDING FREE	DreamWorks Animation L.L.C.	No
TMK 22-00983	11/3/2022	10/3/2028	DREAMWORKS SPIRIT RIDING FREE	DreamWorks Animation L.L.C.	No
TMK 22-00984	11/3/2022	3/21/2031	THE OFFICE & DESIGN	Universal Television LLC	No
TMK 22-00985	11/4/2022	2/8/2027	JURASSIC WORLD & DESIGN	Universal City Studios LLC	No
TMK 22-00986	11/4/2022	8/30/2027	JURASSIC WORLD	Universal City Studios LLC	No
TMK 22-00987	11/4/2022	6/29/2031	HOW TO TRAIN YOUR DRAGON	DreamWorks Animation L.L.C.	No
TMK 22-00988	11/4/2022	7/4/2027	MINIONS	Universal City Studios LLC	No
TMK 22-00989	11/4/2022	2/3/2026	MINIONS	Universal City Studios LLC	No
TMK 22-00990	11/4/2022	1/12/2032	MINIONS THE RISE OF GRU	Universal City Studios LLC	No
TMK 22-00991	11/4/2022	1/11/2027	MINIONS	Universal City Studios LLC	No
TMK 22-00992	11/4/2022	1/18/2032	TOP CHEF	Bravo Media LLC	No
TMK 22-00993	11/4/2022	5/21/2027	DREAMWORKS DRAGONS	DreamWorks Animation L.L.C.	No
TMK 22-00994	11/4/2022	5/21/2027	DREAMWORKS DRAGONS	DreamWorks Animation L.L.C.	No
TMK 22-00995	11/4/2022	5/21/2027	DREAMWORKS DRAGONS	DreamWorks Animation L.L.C.	No
TMK 22-00996	11/3/2022	7/5/2032	DREAMWORKS GABBY'S DOLLHOUSE	DreamWorks Animation L.L.C.	No
TMK 22-00997	11/4/2022	3/2/2031	TOP CHEF	Bravo Media LLC	No
TMK 22-00998	11/4/2022	2/1/2027	JURASSIC WORLD & DESIGN	Universal City Studios LLC	No
TMK 22-00999	11/3/2022	7/5/2032	DREAMWORKS GABBY'S DOLLHOUSE	DreamWorks Animation L.L.C.	No
TMK 22-01000	11/3/2022	7/5/2032	DREAMWORKS GABBY'S DOLLHOUSE	DreamWorks Animation L.L.C.	No
TMK 22-01001	11/4/2022	8/30/2029	BACK TO THE FUTURE & DESIGN	UNIVERSAL/U-DRIVE JOINT VENTURE	No
TMK 22-01002	11/3/2022	9/19/2030	BACK TO THE FUTURE	UNIVERSAL/U-DRIVE JOINT VENTURE	No

CBP IPR RECORDATION — NOVEMBER 2022

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	G/M Restricted
TMK 22-01003	11/4/2022	12/28/2030	THE REAL HOUSEWIVES	Bravo Media LLC	No
TMK 22-01004	7/21/2022	8/2/2032	CAMELBAK	CamelBak Products, LLC	No
TMK 22-01005	11/4/2022	7/14/2030	THE REAL HOUSEWIVES	Bravo Media LLC	No
TMK 22-01006	11/4/2022	2/23/2031	GAUCHO RANCH	GAUCHO RANCH GROUP LLC	No
TMK 22-01007	11/4/2022	9/21/2032	BRABUS	Brabus GmbH Brabus-Allee GERMANY	No
TMK 22-01008	11/7/2022	5/9/2031	FTS FASTENER TOOL & SUPPLY & DESIGN	Fastener Tool & Supply Inc.	No
TMK 22-01009	11/7/2022	12/20/2026	C-A-T & DESIGN	Composite Resources, Inc.	No
TMK 22-01010	11/7/2022	8/13/2023	C-A-TRAINER	COMPOSITE RESOURCES, INC.	No
TMK 22-01011	11/8/2022	7/4/2026	C - A - T (STYLIZED)	Composite Resources, Inc	No
TMK 22-01012	11/7/2022	10/6/2030	DESIGN OF JUMPING CAT	Composite Resources, Inc	No
TMK 22-01013	11/7/2022	1/19/2030	COMBAT APPLICATION TOURNIQUET	Composite Resources, Inc	No
TMK 22-01014	11/7/2022	6/19/2029	DESIGN OF SWAN (SIDE)	Swarovski Aktiengesellschaft LIECHTEN-STEIN	No
TMK 22-01015	11/7/2022	6/24/2030	SWAROVSKI	Swarovski Aktiengesellschaft LIECHTEN-STEIN	No
TMK 22-01016	11/7/2022	5/9/2031	FTS & DESIGN	Fastener Tool & Supply Inc.	No
TMK 22-01017	11/7/2022	2/16/2031	DESIGN OF SWAN	Swarovski Aktiengesellschaft LIECHTEN-STEIN	No
TMK 22-01018	11/7/2022	3/1/2031	DESIGN OF SWAN MARK	Swarovski Aktiengesellschaft LIECHTEN-STEIN	No
TMK 22-01019	11/8/2022	8/26/2032	NINTENDO and Design	Nintendo of America Inc.	No
TMK 22-01020	11/8/2022	9/9/2032	SUPER NINTENDO ENTERTAINMENT SYSTEM	NINTENDO OF AMERICA INC.	No

CBP IPR RECORDATION — NOVEMBER 2022

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	G/M Restricted
TMK 22-01021	11/8/2022	9/11/2032	SUPER SMASH BROS.	Nintendo of America Inc.	No
TMK 22-01022	11/8/2022	8/29/2032	NINTENDO 3DS (STYLIZED)	Nintendo of America Inc.	No
TMK 22-01023	11/8/2022	9/26/2032	NINTENDO 3DS	Nintendo of America Inc.	No
TMK 22-01024	11/8/2022	10/10/2024	TROLLI	FERRARA CANDY COMPANY CORPO- RATION	No
TMK 22-01025	11/8/2022	9/28/2032	BREEZE PLUS	BREEZE SMOKE LLC	No
TMK 22-01026	11/9/2022	5/15/2032	SWEET TARTS (STYLIZED)	Ferrara Candy Company	No
TMK 22-01027	11/9/2022	9/21/2032	ACHIEVE	Achieve Life Sciences, Inc.	No
TMK 22-01028	11/8/2022	7/4/2030	SWEETARTS	FERRARA CANDY COMPANY	No
TMK 22-01029	11/8/2022	8/9/2027	UGLIES	Dieffenbach's Potato Chips, Inc.	No
TMK 22-01030	11/9/2022	2/8/2031	PRADA MILANO	PRADA S.A.	No
TMK 22-01031	11/8/2022	2/28/2032	SWEETARTS (STYLIZED)	FERRARA CANDY COMPANY	No
TMK 22-01032	11/10/2022	7/5/2032	CURLYLIFE & Design	Curly Life Company, LLC	No
TMK 22-01033	11/10/2022	8/12/2032	Cadillac Crest & Wreath Design	GENERAL MOTORS LLC	No
TMK 22-01034	11/10/2022	9/5/2032	THE LOVE BOAT	Aaron Spelling Productions Inc.	No
TMK 22-01035	11/11/2022	5/18/2030	HYPERCRAFT	Saule, LLC.	No
TMK 22-01036	11/11/2022	1/1/2030	GLENDALE	Saule, LLC.	No
TMK 22-01037	11/10/2022	8/8/2032	ACCURI	SAULE, LLC	No
TMK 22-01038	11/11/2022	8/29/2030	AMBISOME (STYLIZED)	GILEAD SCIENCES, INC.	No
TMK 22-01039	11/10/2022	6/13/2032	100%	SAULE, LLC	No
TMK 22-01040	11/10/2022	10/10/2028	YG (STYLIZED)	YIN KWAN ENTERPRISE CO. TAIWAN	No
TMK 22-01041	11/10/2022	11/15/2027	Y.G & DESIGN	YIN KWAN ENTERPRISE CO. TAIWAN	No

CBP IPR RECORDATION — NOVEMBER 2022

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Trm	Owner Name	G/M Restricted
TMK 22-01042	11/15/2022	1/25/2033	DESIGN OF SHOE WITH GEOMETRIC PATTERN	Nike, Inc.	No
TMK 22-01043	11/15/2022	1/18/2033	DESIGN OF SHOE WITH CURVING PATTERN	Nike, Inc.	No
TMK 22-01044	11/15/2022	1/18/2033	DESIGN OF SHOE WITH SMALL CIRCLES PATTERN	Nike, Inc.	No
TMK 22-01045	11/15/2022	1/18/2033	DESIGN OF SHOE WITH VERTICAL LINES PATTERN	Nike, Inc.	No
TMK 22-01046	11/16/2022	12/28/2030	AVID	Avid Center	No
TMK 22-01047	11/24/2022	11/9/2023	Zig Zag Boris Design	Papeteries Braunstein FRANCE	No
TMK 22-01048	11/17/2022	6/10/2028	DESIGN OF NUTTER BUTTER COOKIE	INTERCONTINENTAL GREAT BRANDS	No
TMK 22-01049	11/17/2022	11/6/2032	TEXAS INSTRUMENTS	Texas Instruments Incorporated	No
TMK 22-01050	11/16/2022	12/28/2024	DESIGN OF STUDENT WITH GRADUATION CAP	AVID Center	No
TMK 22-01051	11/18/2022	11/15/2026	MAYA-IK	Productos Alimenticios Centroamericanos, Sociedad Anónima GUATEMALA	No
TMK 22-01052	11/18/2022	6/6/2027	PICADIABLO	Productos Alimenticios Centro America-nos, Sociedad Anonima GUATEMALA	No
TMK 22-01053	11/18/2022	5/19/2028	PICAMÁS & Design	Productos Alimenticios Centroamericanos, Sociedad Anonima GUATEMALA	No
TMK 22-01054	11/17/2022	2/24/2030	DESIGN OF SHOE WITH WAVY PAT-TERN	Nike, Inc.	No
TMK 22-01055	11/17/2022	3/14/2030	GSI	GILEAD SCIENCES IRELAND	No
TMK 22-01056	11/18/2022	4/22/2023	GILEAD	Gilead Sciences Inc.	No
TMK 22-01057	11/18/2022	10/19/2026	STYLIZED DESIGN OF MOUNTAINS UNDER THE SUN	Sunday Afternoons, Inc.	No

CBP IPR RECORDATION — NOVEMBER 2022

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Trm	Owner Name	G/M Restricted
TMK 22-01058	11/17/2022	1/23/2029	VEKLURY	Gilead Sciences IRELAND	No
TMK 22-01059	11/18/2022	1/23/2029	ASEGUA	Gilead Sciences Ireland	No
TMK 22-01060	11/18/2022	10/2/2029	ASE	Asegua Therapeutics LLC	No
TMK 22-01061	11/17/2022	10/30/2029	DESIGN OF SHOE WITH VERTICAL STRIPE	Nike, Inc.	No
TMK 22-01062	11/17/2022	11/4/2030	TRODELVY	IMMUNOMEDICS, INC.	No
TMK 22-01063	11/18/2022	8/25/2031	B & B and Design	Productos Alimenticios Centroamericanos, S.A. GUATEMALA	No
TMK 22-01064	11/18/2022	9/1/2031	CONFIGURATION OF A HIGH-TOP SNEAKER	Nike, Inc.	No
TMK 22-01065	11/18/2022	9/15/2031	SALSA PICANTE MACHOS HOT SAUCE & DESIGN	Productos Alimenticios Centroamericanos, S.A. GUATEMALA	No
TMK 22-01066	11/18/2022	5/8/2032	Configuration of Air Jordan 3 Shoe	Nike, Inc.	No
TMK 22-01067	11/18/2022	5/8/2032	Configuration of Air Jordan 4 Shoe	Nike, Inc.	No
TMK 22-01068	11/18/2022	5/8/2032	Configuration of Air Jordan 5 Shoe	Nike, Inc.	No
TMK 22-01069	11/17/2022	5/8/2032	CONFIGURATION OF AIR JORDAN 11 SHOE	Nike, Inc.	No
TMK 22-01070	11/17/2022	5/8/2032	DESIGN OF NIKE AIR FOAMPOSITE	Nike, Inc.	No
TMK 22-01071	11/18/2022	10/10/2028	VARROA EASYCHECK BY VÉTO-PHARMA & DESIGN	VÉTO-PHARMA FRANCE	No
TMK 22-01072	11/21/2022	10/13/2031	NUTTER-BUTTER	INTERCONTINENTAL GREAT BRANDS	No
TMK 22-01073	11/21/2022	3/1/2031	DESIGN OF NUT	INTERCONTINENTAL GREAT BRANDS	No
TMK 22-01074	11/18/2022	2/1/2033	Ram Head Design	The Los Angeles Rams LLC	No
TMK 22-01075	11/21/2022	6/29/2032	DESIGN OF SHOE BOTTOM	Nike, Inc.	No

CBP IPR RECORDATION — NOVEMBER 2022

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Tm	Owner Name	G/M Restricted
TMK 22-01076	11/21/2022	6/29/2032	DESIGN OF NIKE AIR MAN 90 SHOE	Nike, Inc.	No
TMK 22-01077	11/21/2022	11/9/2026	SUNDAY AFTERNOONS & DESIGN	Sunday Afternoons, Inc.	No
TMK 22-01078	11/21/2022	7/19/2026	SUNDAY AFTERNOONS	Sunday Afternoons, Inc.	No
TMK 22-01079	11/21/2022	9/12/2032	SUPREME	Chapter 4 Corp dba Supreme	No
TMK 22-01080	11/21/2022	10/21/2030	DUNHAM	THE ROCKPORT COMPANY, LLC	No
TMK 22-01081	11/22/2022	10/10/2032	MARLBORO ROOF DESIGN	Philip Morris USA Inc.	No
TMK 22-01082	11/23/2022	11/28/2032	POKEDEX	Nintendo of America Inc.	No
TMK 22-01083	11/23/2022	11/4/2032	SMITH & WESSON	Smith & Wesson Corp.	No
TMK 22-01084	11/23/2022	7/5/2032	EL CHICHERO & DESIGN	Investments Core, LLC	No
TMK 22-01085	11/25/2022	10/2/2032	DESIGN OF GOLDEN BOY	LIEN HOA FOOD CORPORATION	No
TMK 22-01086	11/28/2022	10/20/2031	CRADLEWISE & DESIGN	Cradlewise Inc.	No
TMK 22-01087	11/25/2022	10/5/2032	COVERKING & DESIGN	SHRIN LLC	No
TMK 22-01088	11/28/2022	11/23/2031	BASEBOARD BUDDY	ALLSTAR MARKETING GROUP, LLC	No
TMK 22-01089	11/28/2022	3/20/2032	MAGIC MESH	Allstar Marketing Group, LLC	No
TMK 22-01090	11/28/2022	11/27/2032	TOPPIK	CHURCH & DWIGHT CO., INC.	No
TMK 22-01091	11/29/2022	1/25/2033	YOUTH PHYTODERMATO ADVANCED FORMULA & Design	Edmond Eisenberg MONACO	No
TMK 22-01092	11/28/2022	2/24/2030	VIZOOVET	JENSEN, MARK B	No
TMK 22-01093	11/30/2022	2/22/2033	SPIRIT OF THE BAY	George's Beverage Company LLC	No

**COPYRIGHT, TRADEMARK, AND TRADE NAME
RECORDATIONS
(NO. 01 2023)**

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

SUMMARY: The following copyrights, trademarks, and trade names were recorded with U.S. Customs and Border Protection in January 2023. A total of 287 recordation applications were approved, consisting of 5 copyrights and 282 trademarks.

Corrections or updates may be sent to: Intellectual Property Enforcement Branch, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection, 90 K Street, NE., 10th Floor, Washington, D.C. 20229-1177, or via email at iprrquestions@cbp.dhs.gov.

FOR FURTHER INFORMATION CONTACT: Zachary Ewing, Paralegal Specialist, Intellectual Property Enforcement Branch, Regulations and Rulings, Office of Trade at (202) 325-0295.

LAUREN O'STRICKER
*Acting Chief, Intellectual Property
Enforcement Branch
Regulations and Rulings, Office of Trade*

CBP IPR RECORDATION — JANUARY 2023

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 06-01073	8/30/2012	2/13/2023	FDNY	City of New York (by assignment from the New York City Fire Department)	No
TMK 19-00092	2/6/2019	9/5/2028	C.C	CHEVEUX CORP	No
TMK 10-00844	6/22/2020	7/13/2026	BIRKENSTOCK	BIRKENSTOCK US BIDCO, INC.	No
TMK 12-00559	4/22/2022	7/17/2032	FOR AMERICANS	International Projects, Inc.	No
TMK 02-00880	9/22/2022	2/2/2033	BATES	WOLVERINE WORLD WIDE, INC.	No
TMK 16-00492	10/11/2022	1/23/2032	R STYLIZED	R & R Apparel Company, LLC	No
TMK 08-00256	10/21/2022	10/30/2032	CONNECTING EVERYTHING	Broadcom Corporation	No
TMK 03-00591	10/21/2022	11/4/2032	VELCRO	VELCRO INDUSTRIES, B.V.	No
TMK 18-00552	10/21/2022	10/25/2032	CRYOFUX	CHEMMALLOY COMPANY LLC	No
TMK 19-00470	10/24/2022	11/7/2032	IT'S TIME TO ROLL YOUR OWN	Top Tobacco, LP	No
TMK 13-00399	10/24/2022	4/22/2033	XDS	Springfield, Inc.	No
TMK 12-00963	10/24/2022	10/10/2032	BOUDREAU'S & DESIGN	Gulf Marine Products Co., Inc. CORPORATION	No
TMK 19-00255	11/3/2022	12/24/2032	DARRELL LEA	DL ASSETS PTY	No
TMK 23-01221	11/4/2022	9/3/2033	TRADITION	AMIZETTA VINEYARDS WINERY LLC	No
TMK 11-01273	11/8/2022	12/1/2032	5 CRABS	Viet Huong Fishsauce Company Inc.	No
TMK 19-00504	11/17/2022	2/6/2033	PENN COLORA WORLD OF COLOR & DESIGN	Penn Color Inc.	No
TMK 16-00200	11/17/2022	11/21/2032	COBB HILL	THE ROCKPORT COMPANY, LLC	No
TMK 22-00206	11/18/2022	12/4/2032	NEUSLEEP	Quincy Bioscience, LLC	No
TMK 23-01233	11/21/2022	4/10/2027	BENEFEEET	Garcoa Inc.	No
TMK 12-01379	11/22/2022	11/28/2032	SUREFIRE & DESIGN	SureFire LLC	No

CBP IPR RECORDATION — JANUARY 2023

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 23-01164	12/30/2022	1/18/2033	FF & DESIGN	Fendi s.r.l. Palazzo	No
TMK 23-01165	1/3/2023	10/17/2028	GEEKVAPE	Shenzhen Geekvape Technology Co., CHINA	No
TMK 23-01170	1/3/2023	10/5/2032	PARIAH	Heretic Knives, LLC	No
TMK 23-01172	1/3/2023	7/2/2029	HERETIC	Marfione, Anthony	No
TMK 23-01167	1/3/2023	9/19/2028	DIGIFLAVOR	SHENZHEN GEEKVAPE TECHNOLOGY CO., LTD. CHINA	No
TMK 16-01497	1/3/2023	1/2/2033	WD-40 & DESIGN	WD-40 Manufacturing Company	No
TMK 13-00411	1/3/2023	11/28/2032	RESCUE	Sterling International Inc.	No
TMK 23-01168	1/3/2023	3/29/2031	AKONI	Akoni S.A. SWITZERLAND	No
TMK 23-01169	1/3/2023	10/5/2032	MEDUSA	Heretic Knives, LLC	No
TMK 23-01166	1/3/2023	12/14/2031	GB GEEK BAR (STYLIZED)	Dongguan Qisi Electronic Science & Technology Co. CHINA	No
TMK 23-01171	1/3/2023	10/5/2032	NEPHILIM	Heretic Knives, LLC	No
TMK 23-01177	1/3/2023	5/15/2031	DESIGN OF CELINE	CELINE socit anonyme (sa)	No
TMK 23-01176	1/3/2023	11/7/2031	CELINE	CELINE SA SOCIT ANONYME (SA)	No
TMK 13-00431	1/4/2023	10/16/2032	RESCUE	Sterling International, Inc	No
TMK 23-01173	1/4/2023	4/3/2033	H & DESIGN	Heretic Knives, LLC	No
TMK 23-01174	1/4/2023	8/24/2032	FLOWFLEX	LEADWAY (HK) LIMITED	No
TMK 03-00203	1/4/2023	1/9/2033	GOLDFISH	PEPPERIDGE FARM, INCORPORATED	No
TMK 23-01175	1/5/2023	4/24/2025	POWER PLUNGER	WILLIAM H. HARVEY CO.	No
TMK 10-00454	1/5/2023	9/9/2032	CRA	CRA International, Inc.	No
TMK 23-01179	1/5/2023	11/27/2033	Configuration of DIOR Cannage Pattern	CHRISTIAN DIOR COUTURE SOCIÉTÉ ANONYME	No

CBP IPR RECORDATION — JANUARY 2023

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	G/M Restricted
TMK 23-01178	1/5/2023	4/21/2024	DUVIN DESIGN COMPANY	Davin International Clothing Company	No
TMK 07-00076	1/6/2023	3/17/2033	CHROME HEARTS and Design	Chrome Hearts LLC	No
TMK 13-00304	1/6/2023	2/20/2033	DAZZLE PARIS HILTON	Paris Hilton	No
TMK 23-01180	1/6/2023	2/17/2026	CD (STYLIZED)	CHRISTIAN DIOR COUTURE Société anonyme	No
TMK 23-01181	1/6/2023	10/3/2028	J'ADIOR	CHRISTIAN DIOR COUTURE SOCIÉTÉ ANONYME	No
TMK 05-00988	1/6/2023	1/29/2033	CHROME HEARTS plus Horseshoe and Cross Design	Chrome Hearts, LLC	No
TMK 18-00994	1/9/2023	11/21/2031	DOC'S	"DR. MARTENS" INTERNATIONAL TRADING GMBH	No
TMK 21-00618	1/9/2023	6/13/2032	JUNIPER NETWORKS	Juniper Networks, Inc.	No
TMK 21-00632	1/9/2023	6/13/2032	JUNOS	Juniper Networks, Inc. CORPORATION	No
TMK 21-00627	1/9/2023	6/27/2032	JUNIPER NETWORKS (STYLIZED)	Juniper Networks, Inc. CORPORATION	No
TMK 05-00466	1/9/2023	3/21/2032	CROSS	A.T.X. INTERNATIONAL, INC.	No
TMK 12-01219	1/9/2023	10/10/2031	TROJAN (STYLIZED)	CHURCH & DWIGHT CO., INC.	No
TMK 03-00019	1/9/2023	10/23/2032	ALL-STAR GAME	OFFICE OF THE COMMISSIONER OF BASEBALL	No
TMK 23-01185	1/9/2023	6/22/2032	SCOTT'S ORIGINAL SPRINGS	Scotti's Original Springs, LLC	No
TMK 23-01184	1/9/2023	2/10/2031	WARHAMMER	Games Workshop Limited UNITED KINGDOM	No
TMK 14-00312	1/9/2023	1/27/2033	DOCKERS	Levi Strauss & Co.	No
TMK 13-00886	1/9/2023	2/4/2033	HAYNES (STYLIZED)	Haynes International, Inc.	No
TMK 14-00347	1/9/2023	1/15/2033	DOCKERS	Levi Strauss & Co.	No

CBP IPR RECORDATION — JANUARY 2023

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Trm	Owner Name	G/M Restricted
TMK 16-00537	1/9/2023	1/15/2033	WATERPIK & DESIGN	WATER PIK, INC.	No
TMK 23-01183	1/10/2023	2/26/2030	PLAY BALL IN THE HOUSE!	Victory Sports LLC	No
TMK 23-01190	1/10/2023	12/10/2032	PERFORMIX & Design	PLASTI DIP INTERNATIONAL	No
TMK 23-01191	1/10/2023	5/19/2033	BLACK BAY	Tudor Watch U.S.A., LLC	No
TMK 23-01188	1/10/2023	10/9/2032	A & DESIGN	Aeromotive, Inc.	No
TMK 23-01193	1/10/2023	1/23/2028	BLACK BAY FIFTY-EIGHT	Tudor Watch U.S.A., LLC	No
TMK 23-01192	1/10/2023	1/24/2028	BORN TO DARE	TUDOR WATCH U.S.A., LLC	No
TMK 14-01262	1/10/2023	12/16/2024	C.C	Cheveux Corp.	No
TMK 23-01187	1/10/2023	10/2/2032	CHROME HEARTS and Scroll Design	Chrome Hearts, LLC	No
TMK 23-01186	1/10/2023	9/11/2032	CHROME HEARTS and Design	Chrome Hearts LLC	No
TMK 23-01189	1/10/2023	10/30/2032	CHROME HEARTS and Design	Chrome Hearts LLC	No
TMK 21-00622	1/10/2023	7/3/2032	JUNIPER	Juniper Networks, Inc.	No
TMK 06-00505	1/10/2023	9/4/2032	IU (Stylized)	The Trustees of Indiana University	No
TMK 06-00640	1/10/2023	9/9/2032	INDIANA	The Trustees of Indiana University	No
TMK 04-00156	1/10/2023	4/1/2032	DORA THE EXPLORER	VIACOM INTERNATIONAL INC. CORPORATION	No
TMK 14-00859	1/10/2023	3/22/2033	BUICK EMBLEM DESIGN	GENERAL MOTORS LLC	No
TMK 17-00876	1/10/2023	10/17/2032	PANDA BRAND	LEE KUM KEE COMPANY LIMITED COMPANY HONG KONG	No
TMK 06-00642	1/10/2023	10/7/2032	INDIANA UNIVERSITY	The Trustees of Indiana University	No
TMK 02-00950	1/10/2023	10/23/2032	CARDINALS & DESIGN	ST. LOUIS CARDINALS, LLC	No
TMK 23-01182	1/10/2023	10/12/2026	ONETOUCH VERIO FLEX	LifeScan IP Holdings, LLC	No
TMK 23-01196	1/11/2023	1/4/2033	GO GREEK AUTHENTIC YOGURTARIA	GGY Intellectual Property, LLC	No

CBP IPR RECORDATION — JANUARY 2023

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Trm	Owner Name	G/M Restricted
TMK 23-01198	1/11/2023	6/15/2032	PRIDE INDUSTRIAL DECORATIVE, FUNCTIONAL HARDWARE & MORE & DESIGN	Pride Industrial, LLC	No
TMK 23-01197	1/11/2023	6/15/2032	PRIDE DÉCOR & DESIGN	Pride Industrial, LLC	No
TMK 16-00094	1/11/2023	1/29/2033	TED BAKER	No Ordinary Designer Labl Limited TA Ted Baker	No
TMK 22-00447	1/11/2023	4/3/2033	WEISS & DESIGN	Weiss Chemie + Technik GmbH & Co. GERMANY	No
TMK 12-01056	1/11/2023	11/7/2032	DESIGN OF BOTTLE	E.T. Browne Drug Co., Inc.	No
TMK 03-00183	1/11/2023	10/6/2032	MICROSOFT	MICROSOFT CORPORATION	No
TMK 21-00345	1/11/2023	8/14/2031	BEARINGTON COLLECTION	Bearington Collection, Inc.	No
TMK 06-00183	1/11/2023	11/17/2032	IBM (STYLIZED)	International Business Machines Corporation	No
TMK 23-01195	1/11/2023	1/3/2028	S & G	Tudor Watch U.S.A., LLC	No
TMK 23-01194	1/11/2023	2/22/2032	CLAIR DE ROSE	Tudor Watch U.S.A., LLC	No
TMK 17-00051	1/11/2023	9/11/2032	Interlocked Circle Design	ITG BRANDS, LLC	No
TMK 23-01203	1/12/2023	5/19/2033	PELAGOS	Tudor Watch U.S.A., LLC	No
TMK 23-01205	1/12/2023	10/19/2031	TUDOR HERITAGE	Tudor Watch U.S.A., LLC	No
TMK 23-01207	1/12/2023	12/26/2027	PELAGOS LHD	Tudor Watch U.S.A., LLC	No
TMK 16-01502	1/12/2023	1/16/2033	WD-40 & DESIGN	WD-40 Manufacturing Company	No
TMK 23-01208	1/12/2023	10/19/2026	ME-PRO	DAST LLC	No
TMK 23-01204	1/12/2023	6/8/2031	TUDOR GLAMOUR	Tudor Watch U.S.A., LLC	No
TMK 13-00665	1/12/2023	1/16/2033	S & DESIGN	Russell Brands, LLC	No
TMK 13-00694	1/12/2023	1/16/2033	TRUE TO THE GAME	Russell Brands, LLC	No

CBP IPR RECORDATION — JANUARY 2023

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Tm	Owner Name	G/M Restricted
TMK 23-01206	1/12/2023	9/7/2032	PELAGOS FXD	Tudor Watch U.S.A., LLC	No
TMK 23-01201	1/12/2023	11/3/2032	GE	General Electric Company	No
TMK 23-01199	1/12/2023	8/7/2033	AIMÉE	Sunseri, Philip	No
TMK 23-01202	1/12/2023	9/4/2032	I logo	Infineon Technologies AG	No
TMK 15-01140	1/12/2023	10/17/2032	EDIE PARKER	EDIE PARKER LLC	No
TMK 13-00063	1/12/2023	1/27/2033	BLANCPAIN (Stylized)	Blancpain SA (Blancpain AG) (Blancpain Ltd)	No
TMK 13-00020	1/12/2023	10/24/2032	DESIGN OF OMEGA	Omega SA (Omega AG) (Omega Ltd.)	No
TMK 23-01200	1/12/2023	9/12/2032	GU	Advanced Food Concepts, Incorporated	No
TMK 12-00862	1/12/2023	8/5/2032	DESIGN OF MAN	Karsten Manufacturing Corporation	No
TMK 21-00037	1/12/2023	12/4/2032	CUMMINS	CUMMINS INC.	No
TMK 19-00299	1/13/2023	1/16/2033	MUSE	Torpack Limited	No
TMK 14-00780	1/13/2023	1/16/2033	Design – Blue, Yellow and Red claimed as a feature of the mark	WD-40 Manufacturing Company	No
TMK 12-01225	1/13/2023	1/23/2033	BODY BEAST	Beachbody, LLC	No
TMK 23-01212	1/13/2023	6/2/2031	TUDOR ROYAL	Tudor Watch U.S.A., LLC	No
TMK 23-01210	1/13/2023	2/1/2033	EMFACE	BTL Industries, Inc.	No
TMK 23-01213	1/13/2023	12/18/2032	TUDORWATCH	Tudor Watch U.S.A., LLC	No
TMK 23-01209	1/13/2023	2/22/2033	TUDOR MASTER CHRONOMETER & Design	Tudor Watch U.S.A., LLC	No
TMK 23-01211	1/13/2023	2/1/2033	TUDOR T-FIT	Tudor Watch U.S.A., LLC	No
COP 23-00067	1/13/2023	1/13/2043	HOUSE OF YISRA'EL RESOLUTION No. 671716335450 and 3 Other Unpublished Works.	Yolanda Yisra'el d.b.a. Yolanda Lewis	No

CBP IPR RECORDATION — JANUARY 2023

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Thm	Owner Name	G/M Restricted
TMK 23-01214	1/13/2023	9/30/2032	Pontiac Emblem Design	General Motors LLC	No
TMK 06-00644	1/13/2023	11/25/2032	INDIANA UNIVERSITY	The Trustees of Indiana University	No
TMK 06-00666	1/13/2023	12/8/2032	INDIANA HOOSIERS	THE TRUSTEES OF INDIANA UNIVERSITY	No
TMK 16-01072	1/13/2023	9/12/2032	HAMMERHEAD OFF-ROAD and DESIGN	POLARIS INDUSTRIES INC.	No
COP 23-00066	1/13/2023	1/13/2043	Espresyon Logo	Frandsly Mere	No
TMK 19-00755	1/13/2023	10/7/2032	CVS	CVS PHARMACY, INC.	No
TMK 17-00235	1/13/2023	10/3/2032	HONORA (Stylized)	RICHLINE GROUP, INC.	No
TMK 23-01215	1/13/2023	7/14/2032	HARLEY	H-D MICHIGAN, LLC	No
TMK 17-00914	1/13/2023	2/6/2033	ULTHERA	Ulthera, Inc.	No
TMK 23-01227	1/17/2023	5/12/2033	TAYLOR SWIFT	TAS RIGHTS MANAGEMENT, LLC	No
TMK 14-00566	1/17/2023	11/21/2032	GSSF GLOCK SPORT SHOOTING FOUNDATION & DESIGN	GLOCK, Inc.	No
TMK 17-01319	1/17/2023	1/15/2033	FRESH (STYLIZED)	FRESH, INC.	No
TMK 23-01222	1/17/2023	9/3/2028	TAYLOR SWIFT	TAS RIGHTS MANAGEMENT,	No
TMK 23-01232	1/17/2023	10/31/2028	TAYLOR SWIFT	TAS RIGHTS MANAGEMENT, LLC	No
TMK 23-01229	1/17/2023	5/12/2033	TAYLOR SWIFT	TAS RIGHTS MANAGEMENT, LLC	No
TMK 23-01231	1/17/2023	7/14/2024	TAYLOR SWIFT	TAS RIGHTS MANAGEMENT, LLC	No
TMK 23-01228	1/17/2023	5/12/2033	TAYLOR SWIFT	TAS RIGHTS MANAGEMENT, LLC	No
TMK 23-01223	1/17/2023	10/6/2030	TAYLOR SWIFT	TAS RIGHTS MANAGEMENT, LLC	No
TMK 23-01230	1/17/2023	7/2/2033	TAYLOR SWIFT	TAS RIGHTS MANAGEMENT, LLC	No
TMK 23-01218	1/17/2023	4/3/2025	MOTUL	MOTUL FRANCE	No

CBP IPR RECORDATION — JANUARY 2023

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Trm	Owner Name	G/M Restricted
TMK 23-01234	1/17/2023	8/1/2028	SWAN FINCH MOTUL MOTOR OILS SWAN-FINCH OIL CORPORATION NEW YORK NEWARK NJ CHICAGO BUF. FALO SAN FRANCISCO MOTUL SINCE 1853 & DESIGN	MOTUL, FRANCE	No
TMK 23-01216	1/17/2023	12/22/2031	DESIGN OF JEEP GRILLE WITH SEVEN SLOTS	FCA US LLC	No
TMK 23-01239	1/17/2023	7/7/2030	LES HUILES MOTUL & DESIGN	MOTUL FRANCE	No
TMK 23-01225	1/17/2023	10/26/2031	LARAMIE LONGHORN	FCA US LLC	No
TMK 16-01168	1/17/2023	3/24/2033	RUBICON	FCA US LLC	No
TMK 03-00707	1/17/2023	4/30/2033	BIC & DESIGN	BIC CORPORATION	No
TMK 23-01217	1/17/2023	8/7/2025	MOTUL (STYLIZED)	MOTUL FRANCE	No
TMK 11-01076	1/17/2023	2/5/2032	F-117	LOCKHEED MARTIN CORPORATION	No
TMK 23-01220	1/17/2023	12/17/2032	MOTUL 300 V	MOTUL 119 BOULEVARD FELIX FAURE AUBERVILLIERS FRANCE	No
TMK 17-00372	1/17/2023	4/8/2033	DESIGN OF JEEP	FCA US LLC	No
TMK 23-01224	1/17/2023	7/5/2031	CHRYSLER & DESIGN OF WINGS	FCA US LLC	No
TMK 23-01219	1/17/2023	10/16/2032	Configuration of Dodge Truck Grille	FCA US LLC	No
TMK 12-00818	1/17/2023	10/10/2032	A & DESIGN	NFL PROPERTIES LLC	No
TMK 13-00233	1/18/2023	1/20/2033	S & W and Design	Smith & Wesson Corp.	No
TMK 13-00924	1/18/2023	7/15/2033	PLENITUDE	DAHLONEGA WINE COMPANY, LLC	No
TMK 19-00637	1/18/2023	2/2/2033	JAGUAR and leaper Design	JAGUAR LAND ROVER LIMITED	No
TMK 13-00760	1/18/2023	12/15/2032	BURTON	The Burton Corporation	No
TMK 13-01248	1/18/2023	2/4/2032	OMEGA	Omega SA (Omega AG) (Omega Ltd.)	No

CBP IPR RECORDATION — JANUARY 2023

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	G/M Restricted
TMK 23-01226	1/18/2023	5/28/2032	FAG & DESIGN OF CIRCLES	SCHAEFFLER TECHNOLOGIES AG & CO. KG	No
TMK 19-00090	1/18/2023	10/24/2032	VINCE CAMUTO & DESIGN	CAMUTO IPCO, LLC	No
TMK 13-00781	1/18/2023	4/24/2032	LSU TIGERS	Board of Supervisors of Louisiana State University and Agricultural and Mechanical College Public Constitutional	No
TMK 23-01244	1/18/2023	12/28/2031	FIGS	FIGS, Inc.	No
TMK 23-01246	1/18/2023	4/3/2033	T TOYOTA GENUINE PARTS L LEXUS GENUINE PARTS & DESIGN	TOYOTA JIDOSHA KABUSHIKI KAI-SHA 1	No
TMK 03-00661	1/18/2023	1/8/2033	AS OAKLAND ATHLETICS & DESIGN	OAKLAND ATHLETICS BASEBALL CO	No
TMK 23-01236	1/18/2023	6/3/2030	DESIGN OF CROSS INSIDE AN OVAL	FIGS, Inc.	No
TMK 16-01475	1/18/2023	4/21/2033	PURESOURCE 2	ELECTROLUX HOME PRODUCTS, INC.	No
TMK 23-01248	1/18/2023	4/17/2033	RICARDO LONDON	Antonio Cannady	No
TMK 23-01235	1/18/2023	8/29/2028	ONO	Horowitz, Ari	No
TMK 06-00732	1/18/2023	10/18/2032	MEDECO	Medeco Security Locks, Inc.	No
TMK 23-01242	1/19/2023	12/6/2026	TUDOR SHIELD LOGO	Tudor Watch U.S.A., LLC	No
TMK 23-01247	1/19/2023	4/17/2033	DESIGN OF BUFFALO	Buffalo Bills, LLC	No
TMK 23-01245	1/19/2023	1/26/2032	CONFIGURATION OF REAR WATCH CASE AND STRAP	Tudor Watch U.S.A., LLC	No
TMK 06-01333	1/19/2023	2/19/2033	STMICROELECTRONICS	STMicroelectronics	No
TMK 16-00200	1/19/2023	11/21/2032	COBB HILL	THE ROCKPORT COMPANY, LLC	No
TMK 21-00646	1/19/2023	1/19/2033	GERSON	Louis M. Gerson Co., Inc.	No
TMK 23-01243	1/19/2023	12/14/2031	CONFIGURATION OF TUDOR WATCH FACE	Tudor Watch U.S.A., LLC	No

CBP IPR RECORDATION — JANUARY 2023

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Tm	Owner Name	G/M Restricted
TMK 16-00115	1/19/2023	2/6/2033	NETS B BROOKLYN and Design	BROOKLYN BASKETBALL, LLC	No
TMK 13-00174	1/19/2023	1/23/2033	VUSE	Reynolds Innovations Inc.	No
TMK 12-00102	1/19/2023	1/18/2033	DILAUDID (STYLIZED)	Purdue Pharma L.P.	No
TMK 23-01240	1/19/2023	6/30/2031	FIGS & DESIGN	FIGS, Inc.	No
TMK 03-00646	1/19/2023	12/28/2032	TC (STYLIZED)	MINNESOTA TWINS	No
TMK 07-01267	1/19/2023	12/22/2032	AMARIGE	LVMH FRAGRANCE BRANDS	No
TMK 23-01238	1/19/2023	10/2/2032	CONFIGURATION OF GIVENCHY PI PERFUME BOTTLE	LVMH FRAGRANCE BRANDS	No
TMK 16-00551	1/19/2023	7/12/2032	RAM	National Products, Inc.	No
TMK 23-01237	1/19/2023	10/19/2031	TUDOR ROSE LOGO	Tudor Watch U.S.A., LLC	No
TMK 23-01241	1/19/2023	2/22/2032	TUDOR ROSE WITH STEM DESIGN	Tudor Watch U.S.A., LLC	No
TMK 23-01249	1/19/2023	1/26/2032	RALPH LAUREN	PRL USA Holdings, Inc.	No
TMK 20-00704	1/19/2023	2/12/2033	TACOMA	Toyota Jidosha Kabushiki Kaisha TA Toyota Motor Corporation	No
TMK 16-01219	1/20/2023	4/26/2033	HUMMINGBER (STYLIZED)	Aspects, Inc.	No
TMK 23-01251	1/20/2023	12/28/2024	NIELSEN KELLERMAN	Nielsen-Kellerman Co.	No
TMK 23-01255	1/20/2023	8/27/2024	AVEED	Endo Pharmaceuticals Inc.	No
TMK 23-01256	1/20/2023	5/16/2026	COXBOX	Nielsen-Kellerman Co.	No
TMK 23-01252	1/20/2023	3/8/2030	NK (STYLIZED)	Nielsen-Kellerman Co.	No
TMK 06-00810	1/20/2023	4/20/2033	DODGE	FCA US LLC	No
TMK 23-01250	1/20/2023	7/13/2024	NK	Nielsen-Kellerman Co.	No
TMK 23-01254	1/20/2023	7/1/2024	KESTREL	Nielsen-Kellerman Co.	No
TMK 19-01190	1/20/2023	4/28/2033	JEEP	FCA US LLC	No

CBP IPR RECORDATION — JANUARY 2023

Recordation No.	Effective Date	Expiration Date	Name of Cop/TmK/TmM	Owner Name	G/M Restricted
TMK 23-01253	1/20/2023	10/28/2028	EDEX	ACTIENT PHARMACEUTICALS LLC	No
TMK 23-01264	1/23/2023	2/3/2030	POLLOGEN	Pollogen Ltd.	No
TMK 05-00286	1/23/2023	1/29/2033	JIMMY CHOO	J. CHOO LIMITED	No
TMK 23-01262	1/23/2023	3/19/2028	JIMMY CHOO (STYLIZED)	J. Choo UNITED KINGDOM	No
TMK 23-01257	1/23/2023	4/10/2033	OXYGENEO	Pollogen Ltd. ISRAEL	No
TMK 05-00567	1/23/2023	2/5/2033	XBOX	MICROSOFT CORPORATION	No
TMK 23-01261	1/23/2023	9/12/2029	OXYGENEO	POLLOGEN ISRAEL	No
TMK 23-01259	1/23/2023	9/12/2028	GENEO+(STYLIZED)	POLLOGEN ISRAEL	No
TMK 23-01263	1/23/2023	8/29/2032	TRIPOLLAR	Pollogen, Ltd.	No
TMK 23-01260	1/23/2023	9/12/2028	GENEO+	POLLOGEN ISRAEL	No
TMK 23-01265	1/23/2023	9/18/2032	FAT FLUSH KIT	Standard Character FIRST LADY OF NUTRITION, INC.	No
TMK 23-01258	1/23/2023	3/27/2033	JELLICO	Capitology, LLC	No
TMK 23-01266	1/23/2023	7/26/2031	FORTESTA	Endo Pharmaceuticals Inc.	No
TMK 23-01289	1/24/2023	7/21/2029	WONDER CREAM	Amarte USA Holdings, Inc.	No
TMK 23-01277	1/24/2023	2/17/2031	QWO	Endo Global Aesthetics Limited IRELAND	No
TMK 23-01279	1/24/2023	4/24/2033	COLOSSUS	Heretic Knives, LLC	No
TMK 23-01280	1/24/2023	4/24/2033	HYDRA	Heretic Knives, LLC	No
TMK 23-01286	1/24/2023	7/30/2033	EYECONIC	Amarte USA Holdings, Inc.	No
TMK 23-01283	1/24/2023	4/24/2033	MANTICORE	Heretic Knives, LLC	No
TMK 23-01278	1/24/2023	4/3/2033	OXYPOD	Pollogen Ltd. CORPORATION	No
TMK 23-01273	1/24/2023	3/6/2034	THEO-24	ACTIENT PHARMACEUTICALS LLC	No

CBP IPR RECORDATION — JANUARY 2023

Recordation No.	Effective Date	Expiration Date	Name of Cop/TmK/TmM	Owner Name	G/M Restricted
TMK 23-01272	1/24/2023	6/26/2031	SUPPRELIN	ENDO PHARMACEUTICALS SOLUTIONS INC.	No
TMK 23-01287	1/24/2023	10/26/2031	HYDROLIFT	Amarte USA Holdings, Inc	No
TMK 23-01276	1/24/2023	10/24/2031	SPEEDCOACH	Nielsen-Kellerman Co.	No
TMK 23-01268	1/24/2023	4/19/2030	VALSTAR	Endo Pharmaceutical Solutions, Inc.	No
TMK 23-01267	1/24/2023	8/4/2030	XIAFLEX	ENDO GLOBAL VENTURES CANON'S COURT BERMUDA	No
TMK 23-01288	1/24/2023	1/30/2028	AMARTE	Amarte USA Holdings, Inc.	No
TMK 23-01274	1/24/2023	7/11/2028	TESTOPEL	SLATE PHARMACEUTICALS, LLC	No
TMK 23-01271	1/24/2023	8/12/2028	NASCOBAL	ENDO PHARMACEUTICALS INC.	No
TMK 23-01281	1/24/2023	4/24/2033	WRAITH	Heretic Knives, LLC	No
TMK 23-01270	1/24/2023	12/23/2033	TESTIM	AUXILIUM PHARMACEUTICALS, LLC	No
TMK 23-01282	1/24/2023	5/20/2028	SMOCKERS	Bexar Manufacturing & Trading Company, Inc	No
TMK 23-01275	1/24/2023	2/2/2027	PERCOCET	ENDO PHARMACEUTICALS INC.	No
TMK 23-01284	1/24/2023	8/24/2032	ILLUMINO	Soo Jin Yang	No
TMK 23-01269	1/24/2023	1/1/2027	ENDO	ENDO PHARMACEUTICALS INC.	No
TMK 23-01285	1/24/2023	6/1/2032	BLACK & BOSSIE	Black and Bossie 2.0 LLC	No
TMK 05-00827	1/25/2023	1/26/2033	ORIOLES MASCOT DESIGN	BALTIMORE ORIOLES LIMITED	No
TMK 09-00055	1/25/2023	3/24/2033	BEACHBODY	BEACHBODY, LLC	No
TMK 23-01297	1/25/2023	1/15/2030	Charging Battery Design (Color)	Milwaukee Electric Tool Corporation	No
TMK 23-01298	1/25/2023	2/10/2026	EVERYTHING IN ITS PLACE.	TRINITY INTERNATIONAL INDUSTRIES, L.L.C.	No
TMK 23-01295	1/25/2023	3/19/2031	COX-VOX	Nielsen-Kellerman Co.	No

CBP IPR RECORDATION — JANUARY 2023

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Tm	Owner Name	G/M Restricted
COP 23-00068	1/25/2023	1/25/2043	Windows 11.	Microsoft Corporation	No
TMK 23-01290	1/25/2023	4/24/2033	HERETIC KNIVES (STYLIZED)	Heretic Knives, LLC	No
TMK 23-01299	1/25/2023	4/21/2024	EVERYTHING IN ITS PLACE.	TRINITY INTERNATIONAL INDUSTRIES, L.L.C	No
TMK 23-01296	1/25/2023	11/27/2029	Charging Battery Design	Milwaukee Electric Tool Corporation 1	No
TMK 23-01291	1/25/2023	10/20/2031	FLUEBLOCKER	Raddenbach, Jason	No
TMK 23-01292	1/25/2023	1/14/2025	300 V	MOTUL 119 FRANCE	No
TMK 23-01293	1/25/2023	7/19/2031	BLUE OCEAN	Nielsen-Kellerman Co.	No
TMK 23-01294	1/25/2023	10/12/2025	POCKET WIND	Nielsen-Kellerman Co., Inc.	No
TMK 09-00580	1/25/2023	2/19/2033	JACK'S CATCH	NEWPORT INTERNATIONAL OF TERRA VERDE, INC.	No
TMK 03-00695	1/25/2023	1/20/2033	EXPOS	BASEBALL EXPOS, LP.	No
TMK 23-01307	1/26/2023	4/4/2032	M MAGNETOSPEED (STYLIZED)	Nielsen-Kellerman Co. 21	No
TMK 23-01306	1/26/2023	4/9/2028	S SHAKESPHERE & DESIGN	BEARDSELL, RICHARD GREAT BRITAIN	No
COP 23-00070	1/26/2023	1/26/2043	13912Mountain Ash Embroidered Ruana	Natural Fashions, Inc,	No
TMK 23-01308	1/26/2023	6/24/2030	ANTHRACITE	TRINITY INTERNATIONAL INDUSTRIES, L.L.C.	No
TMK 23-01309	1/26/2023	2/24/2031	ECOSTORAGE	TRINITY INTERNATIONAL INDUSTRIES, L.L.C.	No
TMK 23-01310	1/26/2023	6/17/2030	ECOSTORAGE	TRINITY INTERNATIONAL INDUSTRIES, LLC	No
TMK 06-01073	1/26/2023	11/13/2032	FDNY	City of New York (by assignment from the New York City Fire Department)	No

CBP IPR RECORDATION — JANUARY 2023

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	G/M Restricted
TMK 23-01312	1/26/2023	5/12/2029	TRINITY PRO & DESIGN	TRINITY INTERNATIONAL INDUSTRIES, L.L.C.	No
TMK 15-00705	1/26/2023	2/26/2033	ARSENAL	The Arsenal Football Club Public Limited Company	No
TMK 23-01313	1/26/2023	2/3/2026	TRINITY & DESIGN	TRINITY INTERNATIONAL INDUSTRIES, L.L.C.	No
TMK 23-01311	1/26/2023	8/21/2029	TRINITY BASICS & DESIGN	TRINITY INTERNATIONAL INDUSTRIES, L.L.C.	No
TMK 15-01151	1/26/2023	1/29/2033	COPILOT	Bell Sports, Inc.	No
TMK 23-01304	1/26/2023	2/3/2026	TRINITY	TRINITY INTERNATIONAL INDUSTRIES, L.L.C.	No
COP 23-00069	1/26/2023	1/26/2043	13056 Helena Embroidered Shawl	Natural Fashions, Inc.	No
TMK 23-01300	1/26/2023	1/4/2033	NK SPORTS	Nielsen-Kellerman Co.	No
TMK 23-01301	1/26/2023	4/4/2032	MAGNETOSPEED	Nielsen-Kellerman Co.	No
TMK 23-01305	1/26/2023	4/9/2028	SHAKESHERE	BEARDSELL, RICHARD	No
TMK 23-01303	1/26/2023	5/6/2031	INTERVAL	Nielsen-Kellerman Co.	No
TMK 23-01302	1/26/2023	6/6/2028	KESTREL SPORTSMAN	Nielsen-Kellerman Co.	No
TMK 14-00077	1/27/2023	10/31/2032	MICROTOUCH MAX	IdeaVillage Products Corp.	No
TMK 07-01283	1/27/2023	12/10/2032	FLOWERBYKENZO & DESIGN	KENZO CORPORATION	No
TMK 13-00118	1/27/2023	12/4/2032	UL	UL LLC	No
TMK 11-01294	1/27/2023	12/10/2032	VIET HUONG (STYLIZED)	Viet Huong Fishsauce Company Inc.	No
TMK 23-01316	1/27/2023	3/4/2028	EUFLEXXA	Ferring B.V.	No
TMK 13-00576	1/27/2023	1/30/2033	XHOSE	Blue Gentian, LLC	No
TMK 23-01317	1/27/2023	5/27/2028	BURN JACKET	The Paracosm Group, LLC	No

CBP IPR RECORDATION — JANUARY 2023

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tm/Trm	Owner Name	GM Restricted
TMK 23-01314	1/27/2023	10/23/2031	GENIE	Terex South Dakota, Inc.	No
TMK 23-01315	1/27/2023	5/8/2032	CREED	Fontaine Limited UNITED KINGDOM	No
TMK 15-00043	1/27/2023	1/30/2033	SMITH & WESSON	Smith & Wesson Corp	No
TMK 13-00741	1/27/2023	5/2/2033	DESIGN (Portrait of a Man)	Wong To Yick Wood Lock Ointment Limited	No
TMK 13-00493	1/27/2023	1/2/2033	UAG (STYLIZED)	Urban Armor Gear, LLC	No
TMK 23-01321	1/30/2023	1/12/2032	LB3 L3VEL3 & DESIGN	3 HOLDINGS, LLC	No
TMK 15-00815	1/30/2023	3/10/2033	PADDINGTON	Paddington & Company	No
TMK 23-01318	1/30/2023	1/18/2033	ALLIEDUNIVERSAL & DESIGN	Universal Services of America	No
TMK 14-00242	1/30/2023	2/5/2033	FIFA WORLD CUP	Federation Internationale De Football Association (Switzerland Corporation)	No
TMK 23-01319	1/30/2023	5/21/2027	ALLIED UNIVERSAL THERE FOR YOU. & DESIGN	Universal Services of America, LP	No
TMK 14-00058	1/30/2023	2/3/2033	RADO	Rado Uhren AG (Rado Watch Co. Ltd) (Montres Rado S.A.)	No
TMK 23-01320	1/30/2023	8/7/2029	HELIAUS & DESIGN	Universal Services of America, LP	No
TMK 17-00843	1/30/2023	4/28/2033	DOCTOR'S BEST	Doctor's Best, Inc.	No
TMK 23-01322	1/31/2023	11/25/2030	ALPHABET WARS	Safar, Samir Hanna	No
TMK 23-01323	1/31/2023	8/17/2025	AIR-KING	Rolex Watch U.S.A., Inc.	No
TMK 09-00378	1/31/2023	6/18/2033	DESIGN OF SWAN LOGO	Richard E. Swan	No

U.S. Court of Appeals for the Federal Circuit

PRIMESOURCE BUILDING PRODUCTS, INC., Plaintiff-Appellee v. UNITED STATES, JOSEPH R. BIDEN, JR., PRESIDENT OF THE UNITED STATES, GINA M. RAIMONDO, SECRETARY OF COMMERCE, CHRISTOPHER MAGNUS, COMMISSIONER OF U.S. CUSTOMS AND BORDER PROTECTION, UNITED STATES CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF COMMERCE, Defendants-Appellants

Appeal No. 2021–2066

Appeal from the United States Court of International Trade in No. 1:20-cv-00032-TCS-JCG-MMB, Senior Judge Timothy C. Stanceu, Judge Jennifer Choe-Groves, Judge M. Miller Baker

OMAN FASTENERS, LLC, HUTTIG BUILDING PRODUCTS, INC., HUTTIG, INC., Plaintiffs-Appellees v. UNITED STATES, JOSEPH R. BIDEN, JR., PRESIDENT OF THE UNITED STATES, UNITED STATES CUSTOMS AND BORDER PROTECTION, CHRISTOPHER MAGNUS, COMMISSIONER OF U.S. CUSTOMS AND BORDER PROTECTION, DEPARTMENT OF COMMERCE, GINA M. RAIMONDO, SECRETARY OF COMMERCE, Defendants-Appellants

Appeal No. 2021–2252

Appeal from the United States Court of International Trade in Nos. 1:20-cv-00037-TCS-JCG-MMB, 1:20-cv-00045-TCS-JCG-MMB, Senior Judge Timothy C. Stanceu, Judge Jennifer Choe-Groves, Judge M. Miller Baker.

Decided: February 7, 2023

JEFFREY S. GRIMSON, Mowry & Grimson, PLLC, Washington, DC, argued for plaintiff-appellee PrimeSource Building Products, Inc. Also represented by BRYAN PATRICK CENKO, JILL CRAMER, KRISTIN HEIM MOWRY, SARAH WYSS.

ANDREW CARIDAS, Perkins Coie, LLP, Washington, DC, argued for plaintiffs-appellees Oman Fasteners, LLC, Huttig Building Products, Inc., Huttig, Inc. Also represented by MICHAEL PAUL HOUSE; KARL J. WORSHAM, Phoenix, AZ.

MEEN GEU OH, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, argued for defendants-appellants. Also represented by KYLE SHANE BECKRICH, BRIAN M. BOYNTON, TARA K. HOGAN, PATRICIA M. MCCARTHY.

ADAM H. GORDON, The Bristol Group PLLC, Washington, DC, for amicus curiae The American Steel Nail Coalition. Also represented by LAUREN FRAID, JENNIFER MICHELE SMITH.

Before TARANTO, CHEN, and STOLL, *Circuit Judges*.

TARANTO, *Circuit Judge*.

In 2018, pursuant to § 232 of the Trade Expansion Act of 1962, Pub. L. No. 87–794, 76 Stat. 872, 877, codified as amended at 19 U.S.C. §

1862, the Secretary of Commerce reported to the President that steel imports threatened national security by contributing to unsustainably low levels of use of domestic steel-producing capacity, and the President, agreeing with the Secretary's finding, issued Proclamation 9705 to adopt a plan of action to address that threat, starting with imposition of higher tariffs on steel imports from certain countries but providing for monitoring and future adjustments if needed. In 2020, the President issued Proclamation 9980, which, based on the required monitoring, raised tariffs on imports of steel derivatives such as nails and fasteners. That proclamation was challenged in two cases (before us here) filed in the Court of International Trade (Trade Court)—one by PrimeSource Building Products, Inc.; the other by Oman Fasteners, LLC, Huttig Building Products, Inc., and Huttig, Inc. (collectively, Oman Fasteners)—against the United States, the President, and two federal agencies and their heads (collectively, the government). The Trade Court held Proclamation 9980 to be unauthorized by § 232 because the new derivatives tariffs were imposed after the passing of certain deadlines for presidential action set forth in § 232. See *PrimeSource Building Products, Inc. v. United States*, 497 F. Supp. 3d 1333 (Ct. Int'l Trade 2021); *PrimeSource Building Products, Inc. v. United States*, 505 F. Supp. 3d 1352 (Ct. Int'l Trade 2021); *Oman Fasteners, LLC v. United States*, 520 F. Supp. 3d 1332 (Ct. Int'l Trade 2021).

The government appeals. After the Trade Court issued its decisions on the merits, we decided *Transpacific Steel LLC v. United States*, 4 F.4th 1306 (Fed. Cir. 2021), *cert. denied*, 142 S. Ct. 1414 (2022), which led the Trade Court to issue stays of its judgments in the two cases. In *Transpacific*, we upheld a presidential proclamation that increased tariffs on steel beyond Proclamation 9705's rate, concluding that when the President, within the § 232 time limits at issue, adopts a plan of action that contemplates future contingency-dependent modifications, those time limits do not preclude the President from later adding to the initial import impositions in order to carry out the plan to help achieve the originally stated national-security objective where the underlying findings and objective have not grown stale. We now uphold Proclamation 9980. That proclamation's new imposition reaches imports of steel derivatives, which are within § 232's authorization of presidential action based on the Secretary's finding about imports of steel, and there is no staleness or other persuasive reason for overriding the President's judgment that including derivatives helps achieve the specific, original national-security objective. We therefore reverse the judgments of the Trade Court.

A

Section 232 “empowers and directs the President to act to alleviate threats to national security from imports.” *Id.* at 1311. For the President to act, the Secretary of Commerce must, under § 232(b), first investigate the effects on national security of imports of an article and submit to the President within 270 days a report detailing the Secretary’s findings about such effects. 19 U.S.C. § 1862(b)(1)(A)–(3)(A). The report must contain the Secretary’s recommendations for action or inaction with respect to imports of that article. *Id.* § 1862(b)(3)(A). If the Secretary finds that imports of the article “threaten to impair the national security, the Secretary shall so advise the President in [the] report.” *Id.* Under § 232(c), within 90 days of receiving the Secretary’s report, the President must determine whether to concur in that finding. *Id.* § 1862(c)(1)(A)(i). If the President concurs in that finding, then within the same 90 days “the President shall” also “determine the nature and duration of the action that, in the judgment of the President, must be taken to adjust the imports of the article *and its derivatives* so that such imports will not threaten to impair the national security.” *Id.* § 1862(c)(1)(A) (emphasis added). If the President determines to take action with respect to the import of the article and its derivatives, “the President shall implement that action” within 15 days of the foregoing determinations, *id.* § 1862(c)(1)(B), that is, within 105 days of the Secretary’s report.

B

In 2017, the Secretary began investigating steel imports and concluded that they posed a threat to national security. J.A. 232–35. On January 11, 2018, the Secretary reported to the President that the imports were “weakening our internal economy” and harming “the [domestic] steel industry,” the continued vitality of which “is essential for national security applications.” *Id.* The Secretary recommended that the President “take immediate action by adjusting the level of these imports through quotas or tariffs” with the goal of “reducing import penetration rates to approximately 21 percent,” so that “U.S. industry would be able to operate at 80 percent of their capacity utilization.” J.A. 236, 288. The 80 percent rate, the Secretary found, was the minimum “necessary to sustain adequate profitability and continued capital investment, research and development, and workforce enhancement in the steel sector” and to thereby “enable U.S. steel mills to increase operations significantly in the short-term and improve the financial viability of the industry over the long-term.” J.A. 234, 289.

On March 8, 2018, the President announced his concurrence and remedial plan. Proclamation 9705: Adjusting Imports of Steel into the United States, 83 Fed. Reg. 11,625 (Mar. 8, 2018). He concurred that “steel articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security.” *Id.* ¶ 5, 83 Fed. Reg. at 11,626. He imposed a 25 percent tariff on imports of various steel articles (*e.g.*, flat-rolled products, bars and rods, tubes, pipes, and ingots) from many countries. *Id.* ¶ 8, clause 2, Annex, 83 Fed. Reg. at 11,626–29; *see Prime-Source*, 497 F. Supp. 3d at 1337–38 n.2. The President deemed this an “important first step in ensuring the economic viability of our domestic steel industry.” Proclamation 9705 ¶ 11, 83 Fed. Reg. at 11,626; *id.* clause 2, 83 Fed. Reg. at 11,627. He retained the option to “remove or modify” the impositions if the United States and other countries were to come up with suitable alternatives for remedying the security threat. *Id.* ¶ 9, 83 Fed. Reg. at 11,626. More generally, the President directed the Secretary to “continue to monitor imports of steel articles,” “review the status of such imports with respect to the national security,” and “inform the President of any circumstances that in the Secretary’s opinion might indicate the need for further action by the President under section 232.” *Id.* clause 5(b), 83 Fed. Reg. at 11,628.

In light of, *e.g.*, negotiations between the United States government and some foreign governments, the President issued a variety of follow-up proclamations to make changes in the impositions of Proclamation 9705, including the August 2018 Proclamation 9772 that was challenged (and upheld by this court) in *Transpacific*. 4 F.4th at 1314–16. The Secretary monitored relevant imports, as required, and in January 2020, the President issued a new proclamation—now covering *derivatives* of the earlier-covered steel articles—based on information supplied by the Secretary. Proclamation 9980: Adjusting Imports of Derivative Aluminum Articles and Derivative Steel Articles into the United States, 85 Fed. Reg. 5281 (Jan. 24, 2020).¹

The President recited that the Secretary had informed him that “domestic steel producers’ capacity utilization ha[d] not stabilized for an extended period of time at or above the 80 percent capacity utilization level” that was the objective of Proclamation 9705. *Id.* ¶ 5, 85 Fed. Reg. at 5281. The Secretary stated that “imports of certain derivatives of steel articles have significantly increased since the imposition of the tariffs,” and “[t]he net effect of the increase of imports of these derivatives has been to erode the customer base for

¹ The new proclamation covered derivatives of aluminum as well as steel articles, but only the steel aspects of the proclamation are at issue before us.

U.S. producers of . . . steel and undermine the purpose of the proclamations adjusting imports of . . . steel articles to remove the threatened impairment of the national security.” *Id.* ¶ 5, 85 Fed. Reg. at 5282. The Secretary characterized this increase in imports of steel derivatives as “circumvent[ing] the duties on . . . steel articles imposed in . . . Proclamation 9705” and “threaten[ing] to undermine the actions taken to address the risk to the national security of the United States found in . . . Proclamation 9705.” *Id.* ¶ 8, 85 Fed. Reg. at 5282. The Secretary “assessed that reducing imports of the derivative articles” at issue “would reduce circumvention and facilitate the adjustment of imports that . . . Proclamation 9705, as amended, made to increase domestic capacity utilization to address the threatened impairment of the national security of the United States.” *Id.* Accepting the foregoing determinations by the Secretary, the President in Proclamation 9980 extended the 25 percent tariff to certain steel derivatives, including nails, staples, and tacks. *Id.* clause 1, Annex II, 85 Fed. Reg. at 5283, 5290–92; see *PrimeSource*, 497 F. Supp. 3d at 1338–39 n.3. He “concluded that it [was] necessary and appropriate” to extend the tariffs to the specified steel derivatives “to address circumvention . . . and to remove the threatened impairment of the national security.” Proclamation 9980 ¶ 9, 85 Fed. Reg. at 5283.

C

PrimeSource and Oman Fasteners, which import steel nails and fasteners covered by Proclamation 9980, brought suit in the Trade Court to challenge the proclamation. As relevant now, they contended that the proclamation’s extension of the increased tariff to derivatives was contrary to § 232 because it occurred in January 2020, more than 105 days after the President received the Secretary’s report. The Trade Court agreed.

The Trade Court in the *PrimeSource* case concluded that the 90-day and 15-day limits found in § 232(c) apply to the President’s imposition of increased burdens on imports under the provision, including modifications of an earlier plan of action that had been timely adopted. 497 F. Supp. 3d at 1343–59. The court held that, insofar as the January 2020 Proclamation 9980 relied on the Secretary’s January 2018 report on steel articles to satisfy the § 232(b) prerequisite to presidential action, it was untimely under § 232(c). *Id.* When the government stipulated that it was relying solely on that report to satisfy the § 232(b) prerequisite, the Trade Court held Proclamation 9980 invalid and entered final judgment against the government. *PrimeSource*, 505 F. Supp. 3d at 1353–58. The Trade Court reached the same result in the Oman Fasteners case. 520 F. Supp. 3d at 1335–39.

In both cases, the government timely appealed and also moved for at least a partial stay of the judgment pending appeal. The Trade Court granted stays, reflecting the government's newly enhanced chance of success on the merits in light of the intervening decision of this court in *Transpacific*. See *PrimeSource Building Products, Inc. v. United States*, 535 F. Supp. 3d 1327, 1329–36 (Ct. Int'l Trade 2021); *Oman Fasteners, LLC v. United States*, 542 F. Supp. 3d 1399, 1403–09 (Ct. Int'l Trade 2021). The Trade Court did, however, note two distinctions of these cases from *Transpacific*—these cases involve an extension to derivatives of a tariff initially imposed on the articles whose importation was found to threaten national security, not (as in *Transpacific*) an increase in rate of the initial tariff on the same articles; and the time from Secretary report to challenged proclamation is much larger than in *Transpacific* (two years versus seven months). See *PrimeSource*, 535 F. Supp. 3d at 1332–33; *Oman Fasteners*, 542 F. Supp. 3d at 1403–05. We have jurisdiction over the Trade Court's final judgments under 28 U.S.C. § 1295(a)(5).²

II

On appeal, the government maintains that the Trade Court's decisions are incorrect in light of *Transpacific*. Appellees defend the Trade Court's decisions, asserting that factual differences render *Transpacific* inapplicable and that the government's reading of § 232 would run afoul of the delegation doctrine.

We review the Trade Court's interpretation of the statute de novo. *GPX International Tire Corp. v. United States*, 780 F.3d 1136, 1140 (Fed. Cir. 2015). To the extent relevant here, we may review an allegation that the President acted in violation of the Constitution. *USP Holdings*, 36 F.4th at 1365. For an asserted statutory violation, review is also available, but it is limited: "For a court to interpose, there has to be a clear misconstruction of the governing statute, a significant procedural violation, or action outside delegated authority." *Maple Leaf Fish Co. v. United States*, 762 F.2d 86, 89 (Fed. Cir. 1985). This court has repeatedly relied on the *Maple Leaf* formulation to indicate the "limited" scope of review of non-constitutional challenges to presidential action. *USP Holdings*, 36 F.4th at 1365–66 &

² In *Transpacific*, we flagged the question of whether the claims against the President, as a defendant, must be dismissed. 4 F.4th at 1318 n.5; accord *PrimeSource*, 497 F. Supp. 3d at 1361–62, 1365–70 (Baker, J., concurring in part and dissenting in part). That question arises here as well. Based on our recent precedent, we hold that the claims against the President must be dismissed, but given the presence of the other defendants, we have jurisdiction to review the Trade Court's decisions on the merits. See *USP Holdings, Inc. v. United States*, 36 F.4th 1359, 1366 (Fed. Cir. 2022).

n.3 (discussing “limited” scope, quoting *Maple Leaf*, and also quoting formulations approving review of whether “the President clearly misconstrued his statutory authority” and “whether the President has violated an explicit statutory mandate” (cleaned up)); *Silfab Solar, Inc. v. United States*, 892 F.3d 1340, 1346 (Fed. Cir. 2018).

A

In *Transpacific*, we addressed whether § 232(c)(1) “permits the President to announce a continuing course of action within the statutory time period and then modify the initial implementing steps in line with the announced plan of action by adding impositions on imports to achieve the stated implementation objective.” 4 F.4th at 1318–19. We concluded that the President may do so, explaining:

[T]he best reading of the statutory text of § 1862, understood in context and in light of the evident purpose of the statute and the history of predecessor enactments and their implementation, is that the authority of the President includes authority to adopt and carry out a plan of action that allows adjustments of specific measures, including by increasing import restrictions, in carrying out the plan over time.

Id. at 1319. And we upheld application of that authority to an increase in impositions that could have been adopted initially under § 232(c) where the President had initially announced a plan of action and later found that an increase would help solve the specific capacity-utilization problem that was the basis for the finding that imports threatened national security. *Id.* at 1310, 1332–33.

Proclamation 9980 comes within the interpretation of § 232 we adopted in *Transpacific*. The initial proclamation (Proclamation 9705) is the same here as in *Transpacific*. As described above, that proclamation rested on the Secretary’s finding that imports of steel articles were threatening national security by impairing achievement of an 80 percent capacity utilization level found important for domestic steel makers to sustain their operations to meet national-security needs. J.A. 232–36, 288–89; see Proclamation 9705 ¶¶ 2, 4–5, 83 Fed. Reg. at 11,625–26. Proclamation 9705 announced a continuing plan of action aimed at achieving that goal, with monitoring and notice of possible changes in the future. *Id.* ¶¶ 9, 11, clauses 2, 5(b), 83 Fed. Reg. at 11,626–28 (stating that the President “may remove or modify the restriction on steel articles imports,” characterizing “the tariff imposed by this proclamation [a]s an important first step in ensuring the economic viability of our domestic steel industry,” and directing the Secretary to “continue to monitor imports of steel articles” and to

“inform the President of any circumstances that in the Secretary’s opinion might indicate the need for further action by the President under section 232”). Later, the Secretary informed the President that a significant increase had occurred in imports of steel derivatives, which in simple economic terms constituted a circumvention of the protections initially adopted to enhance and stabilize domestic steel-making capacity utilization, undermining the effectiveness of the President’s previous tariffs. Proclamation 9980 ¶¶ 5, 8, 85 Fed. Reg. at 5281–82. In response, the President extended Proclamation 9705’s tariffs to various steel derivative products to address the circumvention threatening the capacity-utilization objective. *Id.* ¶ 9, clause 1, Annex II, 85 Fed. Reg. at 5283, 5290–92.

Thus, the President, having “announce[d] a continuing course of action within the statutory time period” (Proclamation 9705), “modif[ied] the initial implementing steps . . . by adding impositions on imports” (extending the tariffs to derivatives in Proclamation 9980) “in line with the announced plan of action” (Proclamation 9705’s directive to the Secretary to monitor imports and inform the President of any relevant changes) “to achieve the stated implementation objective” (long-term stabilization of the capacity utilization rate at or above 80 percent). *Transpacific*, 4 F.4th at 1318–19. An imposition on imports of derivatives of the articles that were the subject of the Secretary’s threat finding is expressly authorized as an available remedy by § 232(c). In acting to close a loophole exploited by steel-derivatives importers, the President was making a “contingency-dependent choice[] that [is] a commonplace feature of plans of action,” *id.* at 1321, adding use of a tool that he could have used in the initial set of measures and later found important to address a specific form of circumvention Congress recognized when it authorized coverage of derivatives of the articles whose imports the Secretary found to threaten national security. *See* Oral Arg. at 25:03–26:20 (agreeing that the mechanism linking Proclamation 9980 to Proclamation 9705—foreign steel producers, facing raised tariffs on direct imports, sold steel to foreign derivatives makers not (yet) subject to raised tariffs, impairing market opportunities of domestic steel makers—“is not complicated”).

B

The attempts by PrimeSource and Oman Fasteners to distinguish *Transpacific* to reach a different result here are unpersuasive. First, the fact that the Secretary’s 2018 report and Proclamation 9705 did not address the effect of imports of derivatives is immaterial. The

President may take action against derivative products regardless of whether the Secretary has investigated and reported on such derivatives. *See* 19 U.S.C. § 1862(b) (stating that the Secretary’s investigation and report focus on an “article”); *id.* § 1862(c)(1)(A)(ii) (empowering the President to then adjust imports of both “the article and its derivatives”). There is no textual basis for reading § 232 as empowering the President to do so only at the initial plan-adoption stage, not at later, modification stages. And what we recognized in *Transpacific* as serving the “evident purpose” of § 232—permitting the President to act under an announced plan to adjust initial measures over time to reach the initially adopted objective, 4 F.4th at 1323—applies not only to an increase in tariff rates on the same entries but equally to an extension to derivatives of measures initially imposed only on the underlying articles.

Second, the greater gap in time between the Secretary’s finding and the challenged proclamation (here, nearly two years; in *Transpacific*, seven months) does not render *Transpacific* inapplicable. There is no textual basis for a specific time limit on adjustments under a timely adopted plan. Indeed, impositions under § 232 have on numerous occasions been modified many years after they were first adopted. *Id.* at 1326–29.

As we noted in *Transpacific*, a different question might be presented where the underlying finding or objective has become substantively stale; here, as in *Transpacific*, we have no occasion to address that issue, because “there is no genuine concern about staleness.” *Id.* at 1332. Proclamation 9980 was issued in pursuit of the same goal first articulated in Proclamation 9705 (extended stabilization at 80 percent of domestic capacity utilization) and in response to the “current information” provided to the President by the Secretary under the “requirements for monitoring the import reductions” that were “put in place” by Proclamation 9705. *Id.* at 1332 n.10. And insofar as appellees fault the President for imposing tariffs on some derivatives but not others, and the government for declining to put into the record the updated data the Secretary conveyed to the President, *see* PrimeSource Br. 31–32; Oman Fasteners Br. 38 & n.15, the criticism is meritless. The information at issue is not part of a legally required and legally consequential decision of the Secretary, *cf.* *USP Holdings*, 36 F.4th at 1366–67, and so we may not second-guess the facts found and measures taken by the President to support his adjustment, *see Florsheim Shoe Co. v. United States*, 744 F.2d 787, 795 (Fed. Cir. 1984) (citing *United States v. George S. Bush & Co.*, 310 U.S. 371,

379–80 (1940)); *Chang v. United States*, 859 F.2d 893, 896 n.3 (Fed. Cir. 1988); Oral Arg. at 13:45–16:00 (acknowledging that there is no review of the President’s pertinent factual and remedial-appropriateness determinations).

C

Reading § 232 to permit the President to modify an initial plan of action to include derivatives, as he did here, does not render it an unconstitutional delegation. The Supreme Court has already rejected a delegation-doctrine challenge to § 232 (in an earlier form), holding that the “clear preconditions to Presidential action” established by § 232, *e.g.*, a finding by the Secretary regarding the existence of a national-security threat, and consideration by the President of “a series of specific factors,” make that authority “far from unbounded.” *Federal Energy Administration v. Algonquin SNG, Inc.*, 426 U.S. 548, 558–60 (1976) (citations omitted). The same is true today, as those “clear preconditions” remain in effect, *id.*, and the President must still consider the statutory factors and act only upon receipt of a report from the Secretary, even if the President possesses the modification authority at issue here, *see* 19 U.S.C. § 1862(b)–(d). Moreover, if § 232 “easily fulfill[ed] th[e] [intelligible principle] test” in 1976, *Algonquin*, 426 U.S. at 559, it also does so now, given that the 1988 amendments, in adding the present deadlines, further defined the congressional delegation of authority to the President. We have rejected the contention that *Algonquin* does not require rejection of a delegation-doctrine challenge to § 232 in its current form. *Transpacific*, 4 F.4th at 1332–33 (citing *American Institute for International Steel, Inc. v. United States*, 806 F. App’x 982, 983–91 (Fed. Cir. 2020), *cert. denied*, 141 S. Ct. 133 (2020)); *see also USP Holdings*, 36 F.4th at 1365. We see no basis for concluding otherwise here.

III

In sum, § 232’s deadlines did not prevent the President from modifying his initial timely adopted plan of action by issuing Proclamation 9980, and that conclusion does not render § 232 unconstitutional under the delegation doctrine. Because there are no more facts for the Trade Court to find on remand if *Transpacific* controls, as appellees agreed, Oral Arg. at 23:20–25, we reverse the judgments of the Trade Court and remand the cases for entry of judgment against Prime-Source and Oman Fasteners, including dismissal of the claims against the President.

The parties shall bear their own costs.

REVERSED AND REMANDED

ACQUISITION 362, LLC, DBA STRATEGIC IMPORT SUPPLY, Plaintiff-
Appellant v. UNITED STATES, Defendant-Appellee

Appeal No. 2022–1161

Appeal from the United States Court of International Trade in No. 1:20-cv-03762-SAV, Judge Stephen A. Vaden.

Decided: February 6, 2023

HEATHER MARX, Cozen O'Connor, Minneapolis, MN, argued for plaintiff-appellant. Also represented by THOMAS G. WALLRICH.

HARDEEP KAUR JOSAN, International Trade Field Office, United States Department of Justice, New York, NY, argued for defendant-appellee. Also represented by BRIAN M. BOYNTON, AIMEE LEE, PATRICIA M. MCCARTHY, JUSTIN REINHART MILLER; PAULA S. SMITH, Office of the Assistant Chief Counsel, International Trade Litigation, United States Bureau of Customs and Border Protection, United States Department of Homeland Security, Washington, DC.

Before DYK, TARANTO, and HUGHES, *Circuit Judges*.

DYK, *Circuit Judge*.

Acquisition 362, LLC dba Strategic Import Supply (“Acquisition”) appeals a decision of the United States Court of International Trade (“CIT”) dismissing Acquisition’s complaint concerning protests to decisions of the U.S. Customs and Border Protection (“Customs”) as to certain entries of passenger vehicle and light truck tires. We conclude that the CIT lacked subject matter jurisdiction. Acquisition could have asserted jurisdiction by timely protesting the liquidations of these entries under 19 U.S.C. § 1514, on the theory that Customs had improperly liquidated them because the manufacturer of Acquisition’s goods was participating in an administrative review. Because Acquisition did not timely protest the liquidations, the CIT lacked jurisdiction under both 28 U.S.C. § 1581(a) and (i). We affirm.

BACKGROUND

In 2016, Acquisition imported several entries of passenger vehicle and light truck tires from the People’s Republic of China manufactured by Shandong Zhongyi Rubber Co., Ltd. (“Shandong Zhongyi”). Because importation of tires manufactured by Shandong Zhongyi was subject to a 2015 countervailing duty order (“CVD Order”) from the Department of Commerce (“Commerce”),¹ Acquisition deposited estimated countervailing duties for the entries at a rate of 30.61%, the

¹ See *Certain Passenger Vehicle and Light Truck Tires from the People’s Republic of China: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order; and Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order*, 80 Fed. Reg. 47902, 47907 (Aug. 10, 2015) (“CVD Order”). The 2015 CVD Order specifically directed Customs to suspend liquidation of entries covered by the order. *Id.*; see also Gov’t’s Suppl. Br. Ex. A, Message No. 5226310 (Aug. 14, 2015).

“all-others” rate established in the *CVD Order*. As discussed in detail below, normally, if an administrative review were instituted, liquidation of such entries (the final assessment of the duties owed) would continue to be suspended until Commerce in the administrative review retroactively determined the final countervailing duty rate for the relevant entries imported during the period.

At the request of various interested parties, including Shandong Zhongyi, Commerce initiated an administrative review of the *CVD Order* covering entries imported during the period of review from January 1, 2016, through December 31, 2016 (“Annual Review”). That period covered all of the entries at issue here.² Upon initiation of the Annual Review, Commerce instructed Customs to continue suspending liquidation of entries subject to the review but to liquidate entries not subject to the review at the estimated deposit rate.³ Liquidation of Acquisition’s entries was initially suspended because Shandong Zhongyi-manufactured products were subject to the Annual Review.

However, before the Annual Review was completed, Shandong Zhongyi withdrew from the review.⁴ Accordingly, Commerce ordered Customs to liquidate Shandong Zhongyi-manufactured entries imported in 2016, because Commerce concluded that those entries were no longer covered by the Annual Review and would not be entitled to a countervailing duty rate different from the estimated deposit rate.⁵ The entries at issue in this appeal were liquidated according to Commerce’s instructions in October and November of 2018, with final countervailing duties assessed at the 30.61% deposit rate. Importers that wish to challenge the liquidation of their entries can do so by filing a protest within 180 days of the liquidation. 19 U.S.C. § 1514(a)(5), (c)(3)(A). Acquisition did not protest the liquidation of these entries within 180 days.

Ultimately, in 2019, Commerce adopted final results of the Annual Review (“*Amended Final Results*”), setting the final countervailing

² See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 82 Fed. Reg. 48051, 48058 (Oct. 16, 2017) (“*Initiation Notice*”).

³ See Gov’t’s Suppl. Br. Ex. B, Message No. 7305313 (Nov. 1, 2017), at ¶¶ 2–3.

⁴ See *Certain Passenger Vehicle and Light Truck Tires From the People’s Republic of China: Preliminary Results of Countervailing Duty Administrative Review and Rescission, in Part*, 83 Fed. Reg. 45611, 45612 (Sept. 10, 2018) (“*Withdrawal Notice*”).

⁵ See Gov’t’s Suppl. Br. Ex. C, Message No. 8269302 (Sept. 26, 2018), at ¶ 1.

duty rates for the 2016 entries of the companies under review.⁶ The *Amended Final Results* included an individual rate for certain companies as well as a rate of 15.56% for the remaining “non-selected companies under review.”⁷ Commerce instructed Customs to liquidate the entries that had remained suspended during the Annual Review and to assess final countervailing duties pursuant to the rates determined in the *Amended Final Results*.⁸ For purposes of this appeal, we assume that if Acquisition’s entries had remained unliquidated, Acquisition would have been entitled to and would have received the 15.56% rate applicable to entries of other parties under review but not selected for the determination of individual rates.

In December 2019, following the publication of the *Amended Final Results*, Acquisition filed protests to Customs’ failure to refund the difference between the 30.61% rate it had deposited and the 15.56% “non-selected companies under review” rate determined in the *Amended Final Results*. Acquisition argued that the 15.56% rate applied because the manufacturer, Shandong Zhongyi, which withdrew from the Annual Review, is the same company as Dongying Zhongyi Rubber Co., Ltd., which remained in the Annual Review and is named as a company entitled to the “non-selected companies under review” rate.⁹ Acquisition urged that its protests were timely because they were brought within 180 days of the *Amended Final Results*.¹⁰ Customs denied the protests as untimely because they were filed more than 180 days after the liquidations of the relevant entries, without deciding whether Shandong Zhongyi and Dongying Zhongyi were the same entity.

Following the denial of its protests, Acquisition brought this action at the CIT challenging the denial of the protests. The CIT dismissed the complaint for lack of subject matter jurisdiction because Acquisi-

⁶ See *Countervailing Duty Order on Certain Passenger Vehicle and Light Truck Tires from the People’s Republic of China: Amended Final Results of Countervailing Duty Administrative Review; 2016*, 84 Fed. Reg. 28011 (June 17, 2019) (“*Amended Final Results*”). The *Amended Final Results* corrected a clerical error in the previously published final results of the investigation. See *id.* at 28011 n.1 (citing *Countervailing Duty Order on Certain Passenger Vehicle and Light Truck Tires from the People’s Republic of China: Final Results of Countervailing Duty Administrative Review; 2016*, 84 Fed. Reg. 17382 (April 25, 2019) (“*Final Results*”).

⁷ See *Amended Final Results*, 84 Fed. Reg. at 28011–12.

⁸ See Gov’t’s Suppl. Br. Ex. D, Message No. 9184301 (July 3, 2019).

⁹ See *Final Results*, 84 Fed. Reg. at 17384.

¹⁰ Before the CIT, Acquisition argued its protests were timely because they were brought within 180 days of the message to Customs implementing the *Amended Final Results*. On appeal, Acquisition argues that because the protests were brought within 180 days of the *Amended Final Results*, they would necessarily have been brought within 180 days of any “protestable decision made by [Customs]” after the *Amended Final Results*, without specifying when exactly that decision occurred. Appellant’s Br. 18.

tion did not file timely protests of the liquidations of the entries pursuant to 19 U.S.C. § 1514. Acquisition then moved for reconsideration and leave to amend its complaint, arguing in the alternative that it should be given leave to amend its complaint to assert jurisdiction under § 1581(i). That provision gives the CIT jurisdiction over claims that could not have been brought under another subsection of § 1581 or for which any remedy under another subsection would be manifestly inadequate. *See Sunpreme Inc. v. United States*, 892 F.3d 1186, 1191 (Fed. Cir. 2018). The CIT denied the motion as futile. This appeal followed.

Following oral argument on November 2, 2022, we ordered supplemental briefing to clarify whether the liquidation of Acquisition's entries had been suspended at the time they were liquidated.¹¹ Supplemental briefing was completed on December 6, 2022. We have jurisdiction under 28 U.S.C. § 1295(a)(5).

¹¹ The supplemental briefing order directed the government to answer eight questions, and Acquisition to respond to the government's brief. The questions were:

- (1) Whether the August 10, 2015, Countervailing Duty (CVD) Order suspended liquidation of imports subject to the administrative review for the period of review from January 1, 2016, to December 31, 2016 (2016 POR).
- (2) Whether any other order suspended such liquidation during the administrative review for the 2016 POR. If so, the government shall provide a copy of any such order and indicate whether the order was a public document.
- (3) Whether any statutory provision or regulation provides for automatic suspension of liquidation upon the initiation of an administrative review of a CVD order.
- (4) Whether the liquidation of plaintiff's entries on October 19, 2018, October 26, 2018, and November 9, 2018, violated any order suspending liquidation.
- (5) Whether plaintiff's entries were subject to the administrative review for the 2016 POR.
- (6) If liquidation of plaintiff's entries was not suspended during the 2016 POR, whether plaintiff could have sought suspension from some agency, such as Commerce or Customs, having authority to grant it, whether on the ground that a pending administrative review might affect the proper duty or on any other ground. If so, indicate what statutory provision or regulation provides such authority and when the agency (*e.g.*, Commerce or Customs) would be obligated to grant such a request and when it would have discretion to grant it.
- (7) Explain the relationship between Acquisition 362, LLC, Shandong Zhongyi Rubber Co., Ltd., and Dongying Zhongyi Rubber Co., Ltd. Explain the effect and relevance of Shandong Zhongyi Rubber Co., Ltd. withdrawing from the review due to its relationship with Dongying Zhongyi Rubber Co., Ltd. *See* J.A. 3 ("Plaintiff submits [Shandong Zhongyi Rubber Co., Ltd] withdrew its request for review because it was a non-selected company under review under an alternate company name, Dongying Zhongyi Rubber Co., Ltd.>").
- (8) Whether Shandong Zhongyi Rubber Co., Ltd. withdrawing its individual request for administrative review affected when and why plaintiff's entries were liquidated.

Suppl. Br. Order, *Acquisition 362, LLC v. United States*, No. 2022–1161, Docket No. 32 (Nov. 8, 2022) (modifications in original) (citation omitted).

DISCUSSION

I

Before turning to the merits, we note that Commerce's failure in its orders and initial brief to clearly set out the provisions governing suspension of liquidation in the countervailing duty context in general, and in this case in particular, created confusion that necessitated supplemental briefing to resolve questions that should have been straightforward. Commerce's theory is that the 2015 *CVD Order* suspended liquidation of entries after its issuance and that the institution of the Annual Review in the 2017 *Initiation Notice* continued that suspension as to entries within the scope of the review. Thereafter, specific messages to Customs continued the suspension of liquidation during the Annual Review for companies under review, and, in 2018, lifted the suspension with respect to Acquisition's entries following Shandong Zhongyi's withdrawal from the Annual Review. None of this was apparent from Commerce's brief. In its initial brief, Commerce failed to cite or discuss the *Initiation Notice*, *Withdrawal Notice*, or any of the relevant messages instructing Customs to liquidate specific entries and suspend liquidation of others. In the future, we expect Commerce will be both more specific and complete than it was initially about the sequence of government and party actions leading to the challenges presented to the CIT and on appeal.

II

Turning to the merits of the case, we review de novo a dismissal by the CIT for lack of subject matter jurisdiction. *Carbon Activated Corp. v. United States*, 791 F.3d 1312, 1314 (Fed. Cir. 2015).

Countervailing duties are imposed when Commerce determines another country is providing "a countervailable subsidy with respect to the manufacture, production, or export" of merchandise imported into the United States. 19 U.S.C. § 1671(a)(1). When merchandise is subject to a countervailing duty order, the liability to pay countervailing duties accrues upon entry into the United States, but the actual amount of liability is determined later:

[T]he United States uses a "retrospective" assessment system under which final liability for antidumping and countervailing duties is determined after merchandise is imported. Generally, the amount of duties to be assessed is determined in a review of the order covering a discrete period of time. If a review is not requested, duties are assessed at the rate established in the completed review covering the most recent prior period or, if no

review has been completed, the cash deposit rate applicable at the time merchandise was entered.

19 C.F.R. § 351.212(a). The “final computation or ascertainment of duties,” including countervailing duties, on entries of such merchandise is known as the “liquidation” of those entries. *Id.* § 159.1; *see also* 19 U.S.C. § 1500(d). To facilitate this retrospective assessment system, a countervailing duty order (here, the 2015 *CVD Order*) suspends the liquidation of entries covered by the order until such time as the final countervailing duty rate is determined. *See* 19 U.S.C. § 1671d(c).

At least once a year, if an interested party requests it, Commerce is required to review the countervailing duty order for a given retrospective period (known as an administrative review, periodic review, or annual review). *See* 19 U.S.C. § 1675(a)(1); 19 C.F.R. § 351.213(e)(2). Pursuant to its regulations, Commerce only reviews the countervailing duty rate for merchandise “covered by the request.” 19 C.F.R. § 351.212(c)(2). If a review is not timely requested, Commerce “without additional notice” will instruct Customs to liquidate entries at the cash deposit rate collected at the time of entry. *Id.* § 351.212(c)(1), (c)(2). For merchandise covered by a request for review, Commerce will continue suspending liquidation until the final countervailing duty rate is determined in the review. *See Ambassador Div. of Florsheim Shoe v. United States*, 748 F.2d 1560, 1565 (Fed. Cir. 1984).

Upon the publication of the final results of an administrative review, Commerce will lift the suspension of liquidation for the entries covered by the review and instruct Customs to liquidate those entries at the countervailing duty rate determined in the review. *See* 19 U.S.C. § 1675(a)(1); 19 C.F.R. § 351.212(b)(2). An importer will have to pay any shortfall if the final countervailing duty rate is determined to be higher than the cash deposit rate and will be entitled to a refund if the final rate is lower than the cash deposit rate. *See* 19 C.F.R. § 351.212(e). If the final rate is the same as the cash deposit rate, no further payments are required upon liquidation, and the cash deposit becomes the final countervailing duty.

Suspending liquidation pending the determination of the final countervailing duties that ultimately will be assessed is essential to the operation of the retrospective countervailing duty system, because liquidation is the “final computation or ascertainment of duties.” 19 C.F.R. § 159.1; *see Ambassador Div. of Florsheim Shoe*, 748 F.2d at 1562. Parties have a limited window of 180 days to protest a liquidation. 19 U.S.C. § 1514(a)(5), (c)(3)(A). We have explained: “[A]ll

liquidations, whether legal or not, are subject to the timely protest requirement. Without a timely protest, all liquidations become final and conclusive under 19 U.S.C. § 1514.” *Juice Farms, Inc. v. United States*, 68 F.3d 1344, 1346 (Fed. Cir. 1995) (citation omitted). Suspending liquidation until an administrative review concludes gives Commerce and future tribunals the benefit of applying the post-review, final countervailing duty rate when entries are ultimately liquidated.

When entries are improperly liquidated, an importer has a remedy—to protest the liquidation under § 1514. In *Carbon Activated Corp.*, the appellant-importer discovered after the 180-day protest window had expired that its entries had been erroneously liquidated in contravention of a suspension order. 791 F.3d at 1314. We held that the importer could have earlier determined that the entries had been liquidated and “could have pursued a remedy under § 1514 by protesting those erroneous liquidations.” *Id.* at 1316. Accordingly, although the entries would have been entitled to a later-determined duty rate lower than the one at which they were liquidated, we concluded that the importer could have asserted CIT jurisdiction under 28 U.S.C. § 1581(a) by timely protesting the premature liquidations under § 1514, and that it had no further remedy. *Id.* at 1316–17.

III

Though Acquisition alleges that its goods were manufactured by Shandong Zhongyi, which withdrew from the Annual Review, it argues it was entitled to the “non-selected company under review” rate in the *Amended Final Results*. That is so, it argues, because Shandong Zhongyi is in fact identical to Dongying Zhongyi, which did not withdraw from the Annual Review and was determined to be entitled to that rate. Under these circumstances, Acquisition urges that it had no basis to protest until after the *Amended Final Results* were published, more than 180 days after the liquidations.

Acquisition contends that the CIT had jurisdiction over this refund suit. Acquisition’s theory is untenable. First, no statute or regulation has been called to our attention that authorizes or requires a refund of duties where they have been finally determined by liquidation, and the statute is quite clear that liquidation of an entry finally establishes the duties unless a protest to the liquidation is filed. *See* § 1514(a); *see also* 19 C.F.R. § 159.1. The only way Acquisition can obtain CIT jurisdiction under § 1581(a) over a claim for a refund is if it can bring itself within one of the provisions of § 1514(a).

Second, in an attempt to demonstrate that its protests fell under § 1514(a)(2), as protests to the “rate and amount of duties chargeable,”¹² and were timely, Acquisition contends that it is not protesting the liquidations themselves and could not have done so. Instead, according to Acquisition, this is a “circumstance[] where [the dates of liquidation are] inapplicable,” § 1514(c)(3)(B),¹³ and the 180-day deadline for filing protests was triggered by Customs’ decision to deny Acquisition’s refund request, not by the liquidations themselves. See also 19 C.F.R. § 174.12(e).

This is not so. In general, duties are finally determined by liquidation. The date of liquidation is the applicable date under § 1514(c)(3) for filing a protest to the rate or amount of those duties. There is no other “date of the decision as to which protest is made.” § 1514(c)(3)(B). Accordingly, a claim for a refund to duties assessed at liquidation must be filed within 180 days of liquidation, pursuant to § 1514(c)(3)(A).

Acquisition’s theory can only work if the dates of liquidation are “inapplicable,” that is, if Acquisition could not timely challenge the liquidations. Acquisition’s contention that until the results of the Annual Review were published it was without a remedy to challenge the liquidation of its entries is not correct. If entries are improperly liquidated, importers can challenge the legality of the liquidations by timely filing a protest to the liquidation under § 1514(a)(5) even if the duty on the entries has not yet been finally determined. This was the exact situation in *Carbon Activated Corp.*, 791 F.3d at 1316. A protest to the premature liquidation of the entries would not have been either “a sham” or “premature.” Appellant’s Br. 14. The protest would not have been to the refusal to grant a refund, but to the premature liquidation of the entries.

To be sure, the nominal manufacturer of Acquisition’s entries was no longer a party to the Annual Review. But in Acquisition’s view, that same entity was still a party to the review under a different name. Under this theory, the suspension of liquidation of Acquisition’s entries should have continued. Acquisition could thus have protested the liquidation as having been improper. If it is true, as Acquisition

¹² As relevant here, § 1514(a) provides that: “[D]ecisions of the Customs Service . . . as to— . . . (2) the classification and rate and amount of duties chargeable; [or] . . . (5) the liquidation or reliquidation of an entry . . . ; shall be final and conclusive . . . unless a protest is filed”

¹³ Section 1514(c)(3) provides that:

A protest of a decision, order, or finding described in subsection (a) shall be filed with the Customs Service within 180 days after but not before—

(A) date of liquidation or reliquidation, or

(B) in circumstances where subparagraph (A) is inapplicable, the date of the decision as to which protest is made.

contends, that it was entitled to the countervailing duty rate assigned to Dongying Zhongyi because Dongying Zhongyi was the manufacturer of Acquisition's imports and a party to the Annual Review, Acquisition would have been equally entitled to the suspension of liquidation of Dongying Zhongyi-manufactured entries during the pendency of the Annual Review. Since Acquisition had a remedy to challenge the liquidations of its entries within 180 days, the statutory language it cites in an attempt to establish a different timeframe is inapplicable. Acquisition's protests were untimely, and the CIT lacked jurisdiction under § 1581(a).

IV

In its motion for reconsideration, Acquisition sought leave to amend its complaint to assert jurisdiction under the residual jurisdictional provision, 28 U.S.C. § 1581(i). Jurisdiction under § 1581(i) is appropriate only if there is no jurisdiction under another subsection of § 1581, or if the remedy under another subsection "would be manifestly inadequate." *ARP Materials, Inc. v. United States*, 47 F.4th 1370, 1377 (Fed. Cir. 2022) (citation omitted). Because Acquisition could have obtained an adequate remedy under § 1581(a) by timely filing a protest of the allegedly premature liquidations, it cannot resort to § 1581(i). Accordingly, the proposed amendment to the complaint would be futile.¹⁴

CONCLUSION

Acquisition could have asserted jurisdiction under 28 U.S.C. § 1581(a) by filing timely protests of the liquidation of its entries. Because its protests were untimely, the CIT correctly dismissed for lack of jurisdiction.

AFFIRMED

¹⁴ In its reconsideration motion, Acquisition cited another protest that Customs had granted in part for an entry of Shandong Zhongyi-manufactured goods, applying a countervailing duty rate of 15.53%. See J.A. 74–75, 95. But that protest was timely because it was filed within 180 days of the liquidation of the entry, unlike the protests at issue in this appeal.

U.S. Court of International Trade

Slip Op. 23–12

COLUMBIA ALUMINUM PRODUCTS, LLC, et al., Plaintiffs, v. UNITED STATES, Defendant, and ENDURA PRODUCTS, INC., Defendant-Intervenor.

Before: Timothy C. Stanceu, Judge
Consolidated Court No. 19–00185

[Denying defendant-intervenor’s motion for a stay of proceedings]

Dated: February 6, 2023

Jeremy W. Dutra, Squire Patton Boggs (US) LLP, of Washington, D.C., for plaintiff. With him on the brief was *Peter J. Koenig*.

Alexander J. Vanderweide, Senior Trial Counsel, Commercial Litigation Branch, Civil Division, U.S. Department of Justice, of New York, N.Y., for defendant. With him on the briefs was *Justin R. Miller*, Attorney-in-Charge. Also on the briefs were *Jeanne E. Davidson*, Director, Commercial Litigation Branch, Civil Division, U.S. Department of Justice, of Washington, D.C., and *Stephen C. Tosini*, Senior Trial Counsel. Of counsel on the briefs was *Tamari J. Lagvilava*, Attorney, Office of the Chief Counsel, U.S. Customs and Border Protection, U.S. Department of Commerce, of Washington, D.C.

Robert E. DeFrancesco, III, Wiley Rein LLP, of Washington, D.C., for plaintiff and defendant-intervenor Endura Products, Inc. With him on the briefs was *Elizabeth S. Lee*.

OPINION AND ORDER

Stanceu, Judge:

Endura Products, Inc. (“Endura”), a plaintiff and defendant-intervenor in this consolidated action, which was brought to contest decisions of U.S. Customs and Border Protection (“Customs” or “CBP”) under the Enforce and Protect Act, 19 U.S.C. § 1517 (2018) (“EAPA”), moves to stay proceedings pending a conclusive decision in an appeal of this Court’s judgment in another proceeding. Defendant United States consents to a stay. Plaintiff Columbia Aluminum Products, LLC (“Columbia Aluminum” or “Columbia”) is opposed. The court denies the motion.

I. BACKGROUND

This litigation arose from determinations by Customs that certain assembled door thresholds imported from Vietnam by Columbia were evading antidumping and countervailing duty orders on certain aluminum extrusions from the People’s Republic of China (the “Orders”). *Notice of Final Determination as to Evasion* (Mar. 20, 2019), PR Doc.

61;¹ *Enforce and Protect Act (“EAPA”) Case Number 7232* (Aug. 26, 2019), PR Doc. 67; *Aluminum Extrusions from the People’s Republic of China: Antidumping Duty Order*, 76 Fed. Reg. 30,650 (Int’l Trade Admin. May 26, 2011); *Aluminum Extrusions From the People’s Republic of China: Countervailing Duty Order*, 76 Fed. Reg. 30,653 (Int’l Trade Admin. May 26, 2011).

Columbia and Endura have filed motions for judgment on the agency record under USCIT Rule 56.2. In the Opinion and Order in *Columbia Alum. Prods., LLC v. United States*, 46 CIT __, Slip Op. No. 22–156 (Dec. 23, 2022), this Court denied a motion of defendant for a remand and ordered the resumption of briefing on Columbia’s and Endura’s Rule 56.2 motions. Under that Opinion and Order, defendant’s and Endura’s responses to Columbia’s Rule 56.2 motion and defendant’s response to Endura’s Rule 56.2 motion are due on February 21, 2023. *Id.* at 16.

Endura filed its motion for a stay on January 6, 2023. Partial Consent Mot. to Stay Proceedings, ECF No. 67 (“Endura’s Mot.”). Columbia filed its opposition to the motion on January 27, 2023. Opp’n to Mot. to Stay Proceedings, ECF No. 68 (“Columbia’s Opp’n”).

II. DISCUSSION

The decision to stay proceedings is a matter for the court’s broad discretion and involves considerations of fairness to the litigants and judicial economy. In this instance, the court concludes that Endura has failed to demonstrate that the stay it seeks will serve both of these objectives.

Endura bases its stay motion on its intention to appeal the judgment of this Court in *Columbia Alum. Prods., LLC v. United States*, 46 CIT __, Slip Op. No. 22–144 (Dec. 16, 2022). Judgment (Dec. 16, 2022), Ct. No. 19–00013, ECF No. 93. Endura refers to this litigation as the “Columbia Scope Appeal.” Endura’s Mot. 2. The judgment sustained a decision Commerce reached, upon remand and under protest, that certain door thresholds Columbia imported from China were not within the scope of the Orders. *See Columbia Alum. Prods., LLC v. United States*, 46 CIT __, Slip Op. No. 22–156 (Dec. 23, 2022). Endura maintains that “[a] stay in this case would preserve the resources of the parties and the Court, as final resolution of the Columbia Scope Appeal may narrow the issues in the instant action.” Endura’s Mot. 3 (citation omitted). In its view, a stay is needed “to ensure that efforts and resources of the Court and of the parties are

¹ Documents in the Administrative Record (Oct. 23, 2019), ECF Nos. 24 (public), 25 (conf.) are cited herein as “PR Doc. ___.” All citations to record documents are to the public version of those documents.

not expended and later rendered moot.” *Id.* at 4. It argues, further, that a stay “would simply preserve the *status quo*” and “would not work undue harm or prejudice.” *Id.*

Columbia disagrees that a stay would preserve resources and argues that it would be prejudicial as it “would allow the evasion determination against Columbia Aluminum to remain in place notwithstanding Commerce[’s] determining that Columbia Aluminum’s assembled thresholds are outside the scope of the Orders, thus imposing a continuing reputational harm on Columbia Aluminum and a financial harm given CBP’s suspension of liquidation preventing the release of customs bonds.” Columbia’s Opp’n 2. Columbia adds that Endura has failed to demonstrate that denying a stay would cause it hardship or inequity, *id.*, and the court agrees with this view. Endura has not convinced the court that continuing to participate in this litigation on the current schedule, either in its capacity as a plaintiff or as a defendant-intervenor, will cause it harm in any appreciable way that could justify interrupting these proceedings pending its pursuit of an appeal in related litigation.

III. CONCLUSION AND ORDER

On balance, the court concludes that allowing this litigation to proceed under the current schedule is preferable to a stay, which has the potential to cause prejudice to Columbia and is not necessary to avoid prejudice to Endura.

Therefore, in consideration of Endura’s motion to stay and Columbia’s opposition thereto, and upon due deliberation, it is hereby

ORDERED that the Partial Consent Motion to Stay Proceedings (Jan. 6, 2023), ECF No. 67, be, and hereby is, denied.

Dated: February 6, 2023

New York, New York

/s/ Timothy C. Stanceu

TIMOTHY C. STANCEU, JUDGE

Slip Op. 23–13

MEYER CORPORATION, U.S., Plaintiff, v. UNITED STATES, Defendant.

Senior Judge Aquilino
Court No. 13–00154

[Upon appellate remand to “the court to reconsider whether Meyer may rely on the first-sale price”, that reconsideration on the record at bar concludes that it may not.]

Dated: February 9, 2023

John M. Peterson, John P. Donohue, Richard F. O’Neill, and Patrick B. Klein, Neville Peterson LLP, New York, NY, for the plaintiff.

Justin R. Miller, Attorney-in-Charge, and Beverly A. Farrell, Senior Trial Attorney, U.S. Department of Justice, Civil Division, Commercial Litigation Branch, International Trade Field Office, New York, NY, and Brian M. Boynton, Principal Deputy Assistant Attorney General, Civil Division, and Patricia M. McCarthy, Director, U.S. Department of Justice, Civil Division, Commercial Litigation Branch, Washington, D.C., for the defendant.

Opinion & Order**AQUILINO, Senior Judge:**

The mandate of the U.S. Court of Appeals for the Federal Circuit (CAFC) having issued pursuant to its decision to remand *supra sub nom. Meyer Corp. v. United States*, 43 F.4th 1325, 1333 (2022) (“*Meyer III*”), has led the parties to file papers in regard thereto.

Presumed herein is familiarity with this test case on valuation under 19 U.S.C. §1401a of 125 different sets of pots and pans imported from the People’s Republic of China (“PRC”) and the Kingdom of Thailand and the extensive record and prior decisions thereon. See *Meyer Corp. v. United States*, 41 CIT ___, 255 F.Supp.3d 1348 (2017) (“*Meyer I*”) (summary judgment granted in part and denied in part); *Meyer Corp. v. United States*, 45 CIT ___, Slip Op. 21–26 (March 1, 2021) (“*Meyer II*”) (opinion after trial; judgment for defendant).

The CAFC affirmed the finding that steel discs exported to Thailand from China underwent only one substantial transformation, not two, and that the resultant cookware for the U.S. was thus not entitled to duty-free treatment. *Meyer III*, 43 F.4th at 1330–32. It also vacated and remanded plaintiff-appellant’s first-sale claim, stating that “there is no basis in the statute for Customs or the court to consider the effects of a nonmarket economy on the transaction value and require a party to show the absence of all ‘distortive nonmarket influences.’” *Id.* at 1332. The CAFC decision goes on to state that 19 U.S.C. §1401a(b)(2)(B) “concerns effects of the relationship between the buyer and seller, not effects of government intervention, and

especially not with government intervention that affects the industry as a whole.” *Id.* at 1332–33.

From this court’s perspective, because the purpose of the General Agreements on Tariff and Trade was to promote trade liberalization among market-oriented countries and help spread democratic values that were associated with capitalism, in opposition to fascism and the “Iron Curtain” that was descending on Europe in the aftermath of World War II,¹ the fact that the valuation statute presupposes a “market” environment focusing on the individual transaction is unsurprising. That was the purpose of the GATT negotiations.

That does not mean, however, the statute *as written* necessarily contemplates zero distinction between sellers operating in market economies and those operating in nonmarket economies, particularly in view of the judge-made “first sale” rule² on the “price paid or payable” of 19 U.S.C. §1401a(b)(1) (“[i]f sufficient information is not available, *for any reason*,³ with respect to any amount” necessary to increase the “price actually paid or payable for imported merchandise . . . by the amounts attributable” to the items listed as (A) through (E) of §1401a(b)(1)(packing costs, selling commissions, assists, royalties, license fees, and, of some import to this case, “the proceeds of any subsequent resale, disposal, or use of the imported merchandise that accrue, directly or indirectly, to the seller”), then the transaction value of the imported merchandise concerned “shall” be treated as one that cannot be determined). It was the CAFC itself, in fact, which articulated the concept of “the absence of any non-market influences that affect the legitimacy of the sales price” — apart from the language of the statute itself. *See Nissho Iwai Am. Corp. v. United States*, 982 F.2d 505, 509 (Fed.Cir. 1992).

Be that as it has been, the current CAFC panel having, seemingly unequivocally, answered *Meyer II*’s earlier question or observation on that point, this court, accordingly, will continue its consideration of the substance of the matter, as developed before, during, and after trial.

¹ *See, e.g., GATT 1947: How Stalin and the Marshall Plan helped to conclude the negotiations*, available at https://www.wto.org/english/tratop_e/gatt_e/stalin_marshall_conclude_negotiations_e.htm (last checked this date).

² That rule evolved from the prior concept of “export value.” *See* Tariff Act of 1930 §402(d) (June 17, 1930). It has been maintained by various judicial decisions, even under the current valuation statute. *See, e.g., United States v. S.S. Kresge Co.*, 26 CCPA 349, 352 (1939); *R.J. Saunders & Co. v. United States*, 42 CCPA 55, 59 (1954); *United States v. Getz Bros. & Co.*, 55 CCPA 11 (1967); *E.C. McAfee Co. v. United States*, 842 F.2d 314 (Fed. Cir. 1988); and *Nissho Iwai Am. Corp. v. United States*, 982 F.2d 505 (Fed.Cir. 1992).

³ Emphasis added.

I

The plaintiff commenced this action seeking first-sale treatment for its imported cookware from the PRC, and duty-free treatment under the Generalized System of Preferences (GSP) for certain cookware imported from Thailand, a beneficiary developing country (BDC). After extensive discovery, the parties cross-moved for partial summary judgment on whether cookware sets containing a non-*de minimis*, non-BDC component could qualify the entire set for GSP treatment; and whether Meyer's imported cookware is viably valued at the price between the Thai producer and a middleman (first-sale price), both of which are Meyer related. *Meyer I*, 41 CIT at ___, 255 F.Supp.3d at 1350–51.

On the set issue, this court determined that the presence of a non-BDC component in a set would not preclude BDC components from receiving GSP treatment, although such treatment would not extend to a non-BDC component. *Id.*, 41 CIT at ___, 255 F.Supp.3d at 1355–59. However, the issue of whether the Thai-made components were entitled to duty-free treatment under the GSP was yet to be resolved. In determining whether first-sale could present a viable value for the related entities, this court found that the government had not waived the issue of Meyer's failure to provide its parent's financial information as requested during discovery. *Id.*, 41 CIT at ___, 255 F.Supp.3d at 1360–61. This court further held that “[a]ll of the entities relevant to that issue [*i.e.* dealing at arm's length] are related, and therefore the financial information pertaining to the parent is also relevant to examining whether any non-market influences affect the legitimacy of the sales price.” *Id.*, 41 CIT at ___, 255 F.Supp.3d at 1361. Finally, after noting that the first-sale-transaction issue revealed disputed material facts, this court required the parties to confer and propose how to proceed. *Id.*, 41 CIT at ___, 255 F.Supp.3d at 1362.

Ultimately, a trial was held on the issue of whether certain Thai cookware had undergone double substantial transformation and thus satisfied the requirements for duty-free treatment under the GSP, and also the issue of whether the first-sale-transaction price was a viable value for the imported merchandise. Between the *Meyer I* decision and commencement of the trial, Meyer did not amend its discovery responses to include its parent's financial information. Although the plaintiff presented direct testimony from five witnesses at trial, such testimony did not include witnesses from Meyer Manufacturing Company Limited (Meyer Hong Kong) or from Meyer International Holdings Limited (Meyer Holdings), the direct parent company

of the plaintiff, the Thai producer, Meyer Macau, Meyer Hong Kong, and the indirect parent of the PRC producer.

After trial, the parties submitted competing findings of fact and conclusions of law. After considering them, this court concluded that GSP treatment was not available for Thai cookware manufactured from steel discs obtained from the PRC because no double substantial transformation of the discs had occurred by the Thai manufacturing process. *Meyer II* at *50.

This court further held that, “[b]ased on the applicable law and the evidence adduced at trial, the plaintiff has also failed to establish that it should be entitled to use the transaction value between the China producer and Meyer Hong Kong or the Thai producer and Meyer Macau (‘first sale’) for the appraisal of the imported cookware.” *Id.* This court noted that, for the “all costs plus profit” test, costs are critical and that the costs of the inputs from the PRC are suspect.⁴ It also found that “no CBP regulation requires that the ‘firm’ mentioned in 19 C.F.R. §152.103(l)(1)(iii) be the ‘parent’ of the importing party.” *Id.*

Regardless, even if the costs of inputs were not suspect, this court observed that the parent company “Meyer Holding[s] presumptively had the ability to influence the price paid or payable for them.” *Id.* at *51. Moreover, “[w]ithout financial statements, th[is] court has no concept of the extent to which the finances of the Meyer group units are truly independent ‘silos’ of one another, or the extent to which there might have been state influence or assistance to some degree.” *Id.* For whatever reason, in vacating and remanding *Meyer II*, the CAFC does not address these observations.

II

Facts drive the law. It is not the other way around. Even ignoring the fact that the claimed transaction values involve inputs from a non-market-economy country in the merchandise at issue, this court still cannot ignore plaintiff’s non-responsiveness to defendant’s request for information during discovery. The fact that the government herein was not provided with the financial information pertinent to plaintiff’s parent company hampered its ability to discern whether or not the parent of the plaintiff provided any form of assistance to reduce costs. As this court previously observed (here excising any inference of “nonmarket consideration” in accordance with the CAFC opinion):

⁴ The CAFC decision does not directly address this necessary observation, which remains an element of this cost-plus-profit case, even if 19 U.S.C. §1401a(b)(2)(B) “concerns effects of the relationship between the buyer and seller, not effects of government intervention, and especially not with government intervention that affects the industry as a whole.”

Even if “true” costs of such inputs could be determined, Meyer Holding[s] presumptively has had the ability to influence the price paid or payable for them, for example by providing its subsidiaries access to credit and capital on terms that are not available to competitors without the same level of bargaining power with creditors, or even at “below market” rates. Without financial statements, the court has no concept of the extent to which the finances of the Meyer group units are truly independent “silos” of one another . . .

The most that plaintiffs’ witnesses could testify to was that they were unaware of any such assistance . . . At trial, the defendant only lightly explored the extent to which such considerations might be considered []distortive. But then again, the defendant never had the ability to probe deeper, in part because it was never provided the financial information it requested in discovery in order to be able to ask or answer probing questions.

The court understands that the Meyer parent is not subject to this litigation and that the plaintiff, as its “independent” subsidiary, can claim an inability to obtain such information from it. However, given that the parent has an interest in seeing these types of matters resolved favorably, it is therefore presumed to be forthcoming, even unprompted, to provide whatever CBP deems necessary to assist in their resolution, and the fact that in that regard there has apparently been considerable “resistance” throughout this case to that not unreasonable discovery request and the “assistance” that the parent could have provided its subsidiary to address necessary questions . . . , speaks volumes.

. . . [T]he foregoing leads the court to doubt that accurate ascertainment of the “true” value of the “price paid or payable” at the first sale level in the customs duty sense has been demonstrated in this case.

Meyer II at *50–51.

As the defendant points out, the prior analysis shows that plaintiff’s failure to provide the financial information requested by it during discovery provided an independent reason as to why Meyer could not demonstrate a true first-sale value absent of influence - not from a nonmarket-economy country *per se* — but from the relationships of the related parties. And the plaintiff had been forewarned by the court’s *Meyer I* decision as to the importance of that financial information but chose not to supplement its discovery responses.

Furthermore, “[a]lthough this Court may exercise such discretion to rectify a significant flaw in the conduct of the original proceeding, [t]he purpose of a rehearing is not to relitigate the case.” *Tianjin Magnesium Int’l Co. v. United States*, 36 CIT 1698, 1699 (2012) (quotations and citations omitted). As discussed above, an extensive record was developed before this court. It is more than sufficient for conducting reconsideration now.

Finally, this court considers that the CAFC’s holding of *Nissho Iwai*’s “nonmarket influences” as simply referring to influences growing out of the relationship of buyer and seller that distort the price paid or payable, coupled with its “remand for th[is] court to reconsider whether Meyer may rely on the first-sale price”, negates any need for further proceedings now.⁵ The plaintiff had more-than-adequate opportunity to make its case for first-sale treatment, and any suggestion now for a retrial is inconsistent with Rule 1 of the USCIT rules to “secure the just, speedy, and inexpensive determination of every action and proceeding.”

III

In view of the foregoing, and given the precision of the CAFC remand quoted above, mandating Customs and Border Protection to acquiesce in plaintiff’s plea for liquidation of its merchandise on the basis of its first sale is not warranted, and this court’s judgment entered in *Meyer II* is therefore hereby affirmed.

So ordered.

Dated: February 9, 2023

New York, New York

/s Thomas J. Aquilino, Jr.

SENIOR JUDGE

⁵ Plaintiff’s motion(s) filed after the CAFC mandate issued regarding possible such proceedings can be, and they hereby are, dismissed.

Index

Customs Bulletin and Decisions
Vol. 57, No. 7, February 22, 2023

U.S. Customs and Border Protection *CBP Decisions*

	CBP No.	Page
Determination That Maintenance of Finding of January 28, 2022, Pertaining to Certain Palm Oil and Derivative Products Made Wholly or in Part With Palm Oil Produced by the Malaysian Company Sime Darby Plantation Berhad, Its Subsidiaries, and Joint Ventures, Is No Longer Necessary . . .	23–01	1

General Notices

	Page
Receipt of Application for “Lever-Rule” Protection	5
Copyright, Trademark, and Trade Name Recordations (No. 10 2022)	6
Copyright, Trademark, and Trade Name Recordations (No. 11 2022)	18
Copyright, Trademark, and Trade Name Recordations (No. 01 2023)	28

U.S. Court of Appeals for the Federal Circuit

	Appeal No.	Page
PrimeSource Building Products, Inc., Plaintiff-Appellee v. United States, Joseph R. Biden, Jr., President of the United States, Gina M. Raimondo, Secretary of Commerce, Christopher Magnus, Commissioner of U.S. Customs and Border Protection, United States Customs and Border Protection, Department of Commerce, Defendants-Appellants	2021–2066	44
Oman Fasteners, LLC, Huttig Building Products, Inc., Huttig, Inc., Plaintiffs-Appellees v. United States, Joseph R. Biden, Jr., President of the United States, United States Customs and Border Protection, Christopher Magnus, Commissioner of U.S. Customs and Border Protection, Department of Commerce, Gina M. Raimondo, Secretary of Commerce, Defendants-Appellants	2021–2252	44
Acquisition 362, LLC, DBA Strategic Import Supply, Plaintiff-Appellant v. United States, Defendant-Appellee	2022–1161	54

U.S. Court of International Trade
Slip Opinions

	Slip Op. No.	Page
Columbia Aluminum Products, LLC, et al., Plaintiffs, v. United States, Defendant, and Endura Products, Inc., Defendant-Intervenor.	23-12	65
Meyer Corporation, U.S., Plaintiff, v. United States, Defendant.	23-13	68