

U.S. Customs and Border Protection



REVOCATION OF RULING LETTERS AND REVOCATION OF TREATMENT RELATING TO THE TARIFF CLASSIFICATION OF CERTAIN LIGHT EMITTING DIODE LAMPS

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

ACTION: Notice of revocation of ruling letters and revocation of treatment relating to tariff classification of certain light emitting diode (LED) lamps.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625 (c)), as amended by Section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that Customs and Border Protection (CBP) is revoking four ruling letters relating to the tariff classification of certain light-emitting diode lamps under the Harmonized Tariff Schedule of the United States (HTSUS). CBP is also revoking any treatment previously accorded by CBP to substantially identical transactions. Notice of the proposed action was published in the *Customs Bulletin*, Vol. 45, No. 45, on November 2, 2011. One comment was received in response to the notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after April 28, 2014.

FOR FURTHER INFORMATION CONTACT: Aaron Marx, Tariff Classification and Marking Branch: (202) 325–0195.

SUPPLEMENTARY INFORMATION:

Background

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

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

Pursuant to section 625 (c)(1), Tariff Act of 1930, as amended (19 U.S.C. 1625 (c)(1)), this notice advises interested parties that CBP is revoking four ruling letters pertaining to the tariff classification of certain light emitting diode lamps. Although in this notice, CBP is specifically referring to the revocation of New York Ruling Letter (NY) N020630, dated December 18, 2007, NY M83236, dated May 18, 2006, NY L84113, dated April 19, 2005, and NY E89000, dated December 22, 1999, this notice covers any rulings on this merchandise which may exist but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the rulings identified above. No further rulings have been found. Any party who has received an interpretive ruling or decision (*i.e.*, ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice should have advised CBP during this notice period.

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

In NY N020630, CBP determined that the LR6C LED Lamp was classified in the heading 8539, HTSUS, specifically 8539.39.00, HTSUS, which provides for: “Electrical filament or discharge lamps,

including sealed beam lamp units and ultraviolet or infrared lamps; ... : Discharge lamps, other than ultraviolet lamps: Other”.

In NY M83236, CBP determined that the LED Lenser Reflector was classified in the heading 8539, HTSUS, specifically 8539.49.00, HTSUS, which provides for: “Electrical filament or discharge lamps, including sealed beam lamp units and ultraviolet or infrared lamps; ... : Ultraviolet or infrared lamps; ... : Other”.

In NY L84113, CBP determined that the LED Light Bulb was classified in the heading 8539, HTSUS, specifically 8539.49.00, HTSUS, which provides for: “Electrical filament or discharge lamps, including sealed beam lamp units and ultraviolet or infrared lamps; ... : Ultraviolet or infrared lamps; ... : Other”.

In NY E89000, CBP determined that the Frosty Super Bright Red LED lamp was classified in the heading 8541, HTSUS, specifically 8541.40.20, which provides for “[L]ight-emitting diodes; ... : [L]ight-emitting diodes: Light-emitting diodes (LED’s)”.

It is now CBP’s position that these LED lamps are properly classified in heading 8543, HTSUS, specifically under subheading 8543.70.70, HTSUS, which provides for “Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter; parts thereof: Other machines and apparatus: Electric luminescent lamps”.

Pursuant to 19 U.S.C. 1625(c)(1), CBP is revoking NY N020630, NY M83236, NY L84113, and NY E89000, in order to reflect the proper classification of the subject LED Lamps according to the analysis contained in Headquarters Ruling Letters (HQ) H135615 (Attachment A), HQ H024762 (Attachment B), HQ H072515 (Attachment C) and HQ H024869 (Attachment D). Additionally, pursuant to 19 U.S.C. 1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions.

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

Dated: February 12, 2014

IEVA K. O’ROURKE
for

MYLES B. HARMON
Director

Commercial and Trade Facilitation Division

Attachments

[ATTACHMENT A]

HQ H135615

February 12, 2014

CLA-2 OT:RR:CTF:TCM H135615 AMM**CATEGORY:** Classification**TARIFF NO.:** 8543.70.70

Ms. CYNTHIA MERRELL
LED LIGHTING FIXTURES
617 DAVIS DRIVE, SUITE 200
MORRISVILLE, NC 27560

RE: Revocation of New York Ruling Letter N020620; Tariff Classification of a Light Emitting Diode Lamp

DEAR Ms. MERRELL,

This is in reference to New York Ruling Letter (NY) N020620, dated December 18, 2007, regarding the classification under the Harmonized Tariff Schedule of the United States (HTSUS) of a light-emitting diode (LED) lamp known as the “LR6C LED Lamp”. In that ruling, Customs and Border Protection (CBP) classified the LED Lamp under heading 8539, HTSUS, which provides for “Electrical filament or discharge lamps, including sealed beam lamp units and ultraviolet or infrared lamps; ...”. We have reviewed NY N020620 and found it to be incorrect. For the reasons set forth below, we are revoking that ruling.

Pursuant to section 625(c), Tariff Act of 1930, (19 U.S.C. §1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act, Pub. L. 103–182, 107 Stat. 2057, 2186 (1993), notice of the proposed modification of treatment relating to the tariff classification of certain light emitting diode lamps was published on November 2, 2011, in the *Customs Bulletin*, Volume 45, Number 45. In that notice, CBP proposed that the instant lamp was classified in heading 9405, HTSUS. Comments from one interested party were received on this proposal. The commenter disagreed with the proposed classification of the instant LR6C LED Lamp, urging that it be classified in heading 8543, HTSUS. Upon further consideration, and as discussed below, CBP has concluded that the instant lamp is classified in heading 8543, HTSUS.

FACTS:

In NY N020620, CBP described the merchandise as follows:

The LR6C model is ... a complete 6-inch downlight module designed to replace a standard R40 size lamp (light bulb). The LR6C fits almost all 6-inch downlight recessed lighting fixture housings commonly known as High-Hats or Can fixtures. The lamps simply screw in place of a standard light bulb and feature “Flip Clips” for a secure fit inside the can. These lamps are dimmable using most standard dimmers. The LR6C LED Lamp (bulb) is constructed of pressure-cast aluminum in the shape of an open container. The aluminum housing measures approximately 5 inches tall with a diameter of 5 inches. The open end of the housing features a 7½ inch diameter flange providing a built-in trim ring. An Edison type screw-in base is affixed to the top of the housing. Integrated within the

housing are 10 LEDs, reflective and refractive optical components, and a high efficiency driver and power supply.

The LR6C LED Lamp is pictured below:



ISSUE:

What is the correct classification under the HTSUS of the LR6C LED Lamp?

LAW AND ANALYSIS:

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

The 2014 HTSUS provisions under consideration are as follows:

8539 Electrical filament or discharge lamps, including sealed beam lamp units and ultraviolet or infrared lamps; arc lamps; parts thereof:

Discharge lamps, other than ultraviolet lamps:

8539.39.00 Other

8543 Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter; parts thereof:

8543.70 Other machines and apparatus:

8543.70.70 Electric luminescent lamps

9405 Lamps and lighting fittings including searchlights and spotlights and parts thereof, not elsewhere specified or included; illuminated signs, illuminated nameplates and the like, having a permanently fixed light source, and parts thereof not elsewhere specified or included:

9405.40 Other electric lamps and lighting fittings:

Of base metal:

9405.40.60 Other

Note 1 to Chapter 94, HTSUS, states, in part: "This chapter does not cover: ... (f) Lamps or lighting fittings of chapter 85 ...".

The Harmonized Commodity Description and Coding System Explanatory Notes (ENs), constitute the official interpretation of the Harmonized System at the international level. While neither legally binding nor dispositive, the ENs provide a commentary on the scope of each heading of the HTSUS and are generally indicative of the proper interpretation of the headings. It is CBP's practice to consult, whenever possible, the terms of the ENs when interpreting the HTSUS. See T.D. 89-80, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

EN 84.79 states, in pertinent part:

For this purpose the following are to be regarded as having "individual functions":

- (B) Mechanical devices which cannot perform their function unless they are mounted on another machine or appliance, or are incorporated in a more complex entity, provided that this function:
 - (i) is distinct from that which is performed by the machine or appliance whereon they are to be mounted, or by the entity wherein they are to be incorporated, and
 - (ii) does not play an integral and inseparable part in the operation of such machine, appliance or entity.

* * *

EN 85.39 states, in pertinent part:

Electric light lamps consist of glass or quartz containers, of various shapes, containing the necessary elements for converting electrical energy into light rays (including infra-red or ultra-violet rays). The heading covers all electric light lamps, whether or not specially designed for particular uses (including flashlight discharge lamps). The heading covers filament lamps, gas or vapour discharge lamps and arc-lamps.

* * *

EN 85.43 states, in pertinent part:

This heading covers all electrical appliances and apparatus, not falling in any other heading of this Chapter, nor covered more specifically by a heading of any other Chapter of the Nomenclature, nor excluded by the operation of a Legal Note to Section XVI or to this Chapter.

* * *

The electrical appliances and apparatus of this heading must have individual functions. The introductory provisions of Explanatory Note to heading 84.79 concerning machines and mechanical appliances having individual functions apply, *mutatis mutandis*, to the appliances and apparatus of this heading.

* * *

The heading includes, *inter alia*:

* * *

- (16) Electro-luminescent devices, generally in strips, plates or panels, and based on electro-luminescent substances (e.g., zinc sulphide) placed between two layers of conductive material.

* * *

The General ENs to Chapter 94, state, in pertinent part:

This Chapter covers, subject to the exclusions listed in the Explanatory Notes to this Chapter:

* * *

- (3) Lamps and lighting fittings and parts thereof, not elsewhere specified or included, of any material (excluding those of materials described in Note 1 to Chapter 71)

* * *

CBP has previously determined that a “lamp” is a device which provides an isolated source of heat or light. *See* HQ H024878, dated March 31, 2010 (LED module for ornaments); HQ H024876, dated March 31, 2010 (LED modules for promotional buttons and displays); HQ H095035, dated March 31, 2010 (LED light set for bike handlebars); HQ H024874, dated March 31, 2010 (various LED modules); HQ H042586, dated January 29, 2009 (fiber optic lamp); and HQ 966952, dated August 18, 2004 (litecube). *See also The Random House College Dictionary* (1973) at 752; *Webster’s New Collegiate Dictionary* (1979) at 639). As entered, the subject LR6C LED Lamp comprises the light source of a lighting fixture. The LR6C LED Lamp is designed with an Edison type screw in base to replace a standard R40 size light bulb. When installed into a lighting fixture, and connected to a power source, it emits light. As such, we conclude that the LR6C LED Lamp meets the definition of “lamp” as enunciated in earlier CBP Rulings, in that it is a device which provides an isolated source of light.

If the LR6C LED Lamp is a lamp or lighting fitting of Chapter 85, then it is excluded from heading 9405, HTSUS by Note 1 to Chapter 94, HTSUS. Therefore, our analysis begins with headings 8539 and 8543, HTSUS.

Heading 8539, HTSUS, provides in relevant part for: “Electric filament or discharge lamps, including sealed beam lamp units and ultraviolet or infrared lamps; arc lamps; ...”. By its terms, the heading only covers filament,

discharge, and arc lamps. See NY L82536, dated March 4, 2005 (filament lamp) and NY L87569, dated October 6, 2005 (metal halide lamp). See also EN 85.39. It does not include LED lamps, which function differently. An LED is a rectifying semiconductor device which converts electrical energy into electromagnetic radiation when current is applied. *McGraw-Hill Concise Encyclopedia of Science and Technology*, 5th Ed., 2005 at 1252. In contrast, a filament lamp produces light by heating a filament to incandescence by the passage of an electric current. A discharge lamp does so by sending an electric discharge through a gas or vapor producing substance. An arc lamp does so by sending a current through a gas between two electrodes. Therefore, as the instant LED Lamp is not a filament, discharge, or arc lamp, it cannot be classified under heading 8539, HTSUS.

Heading 8543, HTSUS, provides in relevant part for: “Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter.” The instant product is an “electrical apparatus.” See *Whirlpool Corp. v. United States*, 505 F. Supp. 2d 1358, 1362 (Ct. Int’l. Trade 2007) (defining the term “apparatus” as “a group of devices, or a collection or set of materials, instruments or appliances to be used for a particular purpose or a given end.”). The definition of “individual functions” is contained in the EN to Heading 84.79. See EN 85.43. EN(B) to heading 84.79 provides that “Mechanical devices which cannot perform their function unless they are mounted on another machine or appliance, or are incorporated in a more complex entity, provided that this function: (i) is distinct from that which is performed by the machine or appliance whereon they are to be mounted, or by the entity wherein they are to be incorporated, and (ii) does not play an integral and inseparable part in the operation of such machine, appliance or entity.” The LR6C LED Lamp is designed to fit into any lighting fixture which uses an Edison type screw base. This lamp cannot perform its function of light generation unless it is connected to a power source. The lighting fixture supplies power to the instant product. As such, the instant lamp must be mounted on another machine or appliance, or incorporated into a more complex entity. The function of the lighting fixture is to hold the instant lamp, supply power to it, and to direct its light. These functions are separate from the function of the lamp, whose function is to generate light. Because the lighting fixture performs these functions whether or not a lamp has been inserted, the lamp itself does not play an integral and inseparable part of the operation of the lighting fixture. Therefore, the instant LR6C LED Lamp has an “individual function” as defined in EN(B) to 84.79 and within the meaning of heading 8543, HTSUS.

Heading 8543, HTSUS, covers “[e]lectro-luminescent devices, generally in strips, plates or panels, and based on electro-luminescent substances (e.g., zinc sulphide) placed between two layers of conductive material.” See EN(16) to Heading 85.43. “Luminescence” is defined as:

Light emission that cannot be attributed merely to the temperature of the emitting body. Various types of luminescence are often distinguished according to the source of the energy which excites the emission.

There are also types of luminescence that are initiated by the flow of some form of energy into the body from the outside. According to the source of the exciting energy, the luminescences are designated as ... electroluminescence if the energy comes from the application of an electric field.

* * *

See McGraw Hill Concise Encyclopedia of Science and Technology, 6th Edition (2009) at 1361.

* * *

CBP also notes that an LED is considered an electroluminescent substance. *See Van Nostrand's Encyclopedia of Chemistry*, 5th Edition (2005) at 947, which defines the operation of LEDs:

Recombination or injection electroluminescence was first observed in 1923 by Lossev, who found that when point electrodes were placed on certain silicon carbide crystals and current passed through them, light was often emitted. Explanation of this emission has been possible only with the development of semiconductor theory. If minority charge carriers are injected into a semiconductor, i.e., electrons are injected into p-type material or "positive holes" into n-type material, they recombine spontaneously with the majority carriers existing in the material. If some of these recombinations result in the emission of radiation, electroluminescence results.

* * *

The subject LR6C LED lamp is an "electroluminescent device" as described above because passing electric current through it will generate light that cannot be attributed merely to its temperature. Furthermore, it is based on an "electroluminescent substance," namely its internal light-emitting diodes. Accordingly, the LR6C LED lamp is properly classified under heading 8543, HTSUS. It is therefore, pursuant to Note 1(f) to Chapter 94, HTSUS, excluded from classification in heading 9405, HTSUS. With regard to classification at the subheading level, the instant product is properly classified under subheading 8543.70.70, HTSUS, which provides for "Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter; parts thereof: Other machines and apparatus: Electric luminescent lamps".¹

HOLDING:

By application of GRIs 1 and 6, the LR6C LED Lamp is classified under heading 8543, HTSUS, specifically in subheading 8543.70.70, HTSUS, which provides for "Electrical machines and apparatus, having individual func-

¹ We note that this conclusion is consistent with a recent decision taken at the Harmonized System Committee (HSC) of the World Customs Organization (WCO). At the 52nd Session of the HSC, the Committee considered the classification of two LED lamps, one of which was described as an LED bulb in the standard shape of an 'incandescent bulb,' composed of several light emitting diodes inside of a plastic envelope, circuitry to rectify AC power and to convert voltage to a level useable by the LEDs, a heat sink and an Edison screw base. After an exchange of views, the HSC voted to reaffirm its previous decision to classify this product under heading 85.43.

tions, not specified or included elsewhere in this chapter; parts thereof: Other machines and apparatus: Electric luminescent lamps". The column one, general rate of duty is 2% *ad valorem*.

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

EFFECT ON OTHER RULINGS:

NY N020620, dated December 18, 2007, is hereby REVOKED. In accordance with 19 U.S.C. §1625(c), this ruling will become effective 60 days after its publication in the Customs Bulletin.

Sincerely,

IEVA K. O'ROURKE

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

[ATTACHMENT B]

HQ H024762

February 12, 2014

CLA-2 OT:RR:CTF:TCM H024762 AMM**CATEGORY: Classification****TARIFF NO.: 8543.70.70**

MR. PATRICK GALLAGHER
GALLAGHER TRANSPORT INTERNATIONAL, INC.
P.O. BOX 55488
PORTLAND, OR 97238

RE: Revocation of New York Ruling Letter M83236; Tariff Classification of a Light Emitting Diode Lamp

DEAR MR. GALLAGHER,

This is in reference to New York Ruling Letter (NY) M83236, dated May 18, 2006, regarding the classification under the Harmonized Tariff Schedule of the United States (HTSUS) of a certain light-emitting diode (LED) light bulb known as the “LED Lenser Reflector.” In that ruling, Customs and Border Protection (CBP) classified the LED Lamp under heading 8539, HTSUS, which provides for “Electrical filament or discharge lamps, including sealed beam lamp units and ultraviolet or infrared lamps; arc lamps; parts thereof”. We have reviewed NY M83236 and found it to be incorrect. For the reasons set forth below, we are revoking that ruling.

Pursuant to section 625(c), Tariff Act of 1930, (19 U.S.C. §1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act, Pub. L. 103–182, 107 Stat. 2057, 2186 (1993), notice of the proposed modification of treatment relating to the tariff classification of certain light emitting diode lamps was published on November 2, 2011, in the *Customs Bulletin*, Volume 45, Number 45. In that notice, CBP proposed that the instant lamp was classified in heading 9405, HTSUS. Comments from one interested party were received on this proposal. The commenter disagreed with the proposed classification of the instant LR6C LED Lamp, urging that it be classified under heading 8543, HTSUS. Upon further consideration, and as discussed below, CBP has concluded that the instant lamp is classified in heading 8543, HTSUS.

FACTS:

In NY M83236, CBP described the merchandise as follows:

[The] LED Lenser Reflector ... functions as an LED lamp (light bulb) for use in a lighting fixture for illumination (sample included). It is a non-filament type lamp that incorporates a shiny, mirror-like surface on its inside back to maximize the strength of illumination. It is powered by a 12-volt power source and must be installed in a light fixture to operate. It is heated to a high enough level to produce visible light.

Additional product literature you provided on January 11, 2011, indicates that the housing is made of machined metal. You indicated during a phone discussion with CBP that you believed it be aluminum. Information submitted also indicates that the base instant product uses a standard GU5.3 two pin connector. The LED Lenser Reflector is pictured below.



ISSUE:

What is the correct classification under the HTSUS of the LED Lenser Reflector?

LAW AND ANALYSIS:

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

The 2014 HTSUS provisions under consideration are as follows:

8539 Electrical filament or discharge lamps, including sealed beam lamp units and ultraviolet or infrared lamps; arc lamps; parts thereof:

Discharge lamps, other than ultraviolet lamps:

8539.39.00 Other

8543 Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter; parts thereof:

8543.70 Other machines and apparatus:

8543.70.70 Electric luminescent lamps

9405 Lamps and lighting fittings including searchlights and spotlights and parts thereof, not elsewhere specified or included; illuminated signs, illuminated nameplates and the like, having a permanently fixed light source, and parts thereof not elsewhere specified or included:

9405.41 Other electric lamps and lighting fittings:

Of base metal:

9405.40.80

Other

The Harmonized Commodity Description and Coding System Explanatory Notes (ENs), constitute the official interpretation of the Harmonized System at the international level. While neither legally binding nor dispositive, the ENs provide a commentary on the scope of each heading of the HTSUS and are generally indicative of the proper interpretation of the headings. It is CBP's practice to consult, whenever possible, the terms of the ENs when interpreting the HTSUS. *See* T.D. 89–80, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

EN 84.79 states, in pertinent part:

For this purpose the following are to be regarded as having “individual functions”:

- (B) Mechanical devices which cannot perform their function unless they are mounted on another machine or appliance, or are incorporated in a more complex entity, provided that this function:
 - (i) is distinct from that which is performed by the machine or appliance whereon they are to be mounted, or by the entity wherein they are to be incorporated, and
 - (ii) does not play an integral and inseparable part in the operation of such machine, appliance or entity.

* * *

EN 85.39 states, in pertinent part:

Electric light lamps consist of glass or quartz containers, of various shapes, containing the necessary elements for converting electrical energy into light rays (including infra-red or ultra-violet rays). The heading covers all electric light lamps, whether or not specially designed for particular uses (including flashlight discharge lamps). The heading covers filament lamps, gas or vapour discharge lamps and arc-amps.

* * *

EN 85.43 states, in pertinent part:

This heading covers all electrical appliances and apparatus, not falling in any other heading of this Chapter, nor covered more specifically by a heading of any other Chapter of the Nomenclature, nor excluded by the operation of a Legal Note to Section XVI or to this Chapter.

* * *

The electrical appliances and apparatus of this heading must have individual functions. The introductory provisions of Explanatory Note to heading 84.79 concerning machines and mechanical appliances having individual functions apply, *mutatis mutandis*, to the appliances and apparatus of this heading.

* * *

The heading includes, *inter alia* :

* * *

(16) Electro-luminescent devices, generally in strips, plates or panels, and based on electro-luminescent substances (e.g., zinc sulphide) placed between two layers of conductive material.

* * *

The General ENs to Chapter 94, state, in pertinent part:

This Chapter covers, subject to the exclusions listed in the Explanatory Notes to this Chapter:

* * *

(3) Lamps and lighting fittings and parts thereof, not elsewhere specified or included, of any material (excluding those of materials described in Note 1 to Chapter 71)

* * *

CBP has previously determined that a “lamp” is a device which provides an isolated source of heat or light. *See* HQ H024878, dated March 31, 2010 (LED module for ornaments); HQ H024876, dated March 31, 2010 (LED modules for promotional buttons and displays); HQ H095035, dated March 31, 2010 (LED light set for bike handlebars); HQ H024874, dated March 31, 2010 (various LED modules); HQ H042586, dated January 29, 2009 (fiber optic lamp); and HQ 966952, dated August 18, 2004 (litecube). *See also The Random House College Dictionary* (1973) at 752; *Webster’s New Collegiate Dictionary* (1979) at 639). As entered, the subject LED Lenser Reflector comprises the light source of a lighting fixture. The instant LED lamp is designed with a standard GU5.3 two pin connector. When installed into a lighting fixture, and connected to a power source, it emits light. As such, we conclude that the instant LED Lamp meets the definition of “lamp” as enunciated in earlier CBP Rulings, in that it is a device which provides an isolated source of light.

If the instant LED Lamp is a lamp or lighting fitting of Chapter 85, then it is excluded from heading 9405, HTSUS by Note 1 to Chapter 94, HTSUS. Therefore, our analysis begins with headings 8539 and 8543, HTSUS.

Heading 8539, HTSUS, provides in relevant part for: “Electric filament or discharge lamps, including sealed beam lamp units and ultraviolet or infrared lamps; arc lamps; ...”. By its terms, the heading only covers filament, discharge, and arc lamps. *See* NY L82536, dated March 4, 2005 (filament lamp) and NY L87569, dated October 6, 2005 (metal halide lamp). *See also* EN 85.39. It does not include LED lamps, which function differently. An LED is a rectifying semiconductor device which converts electrical energy into electromagnetic radiation when current is applied. *McGraw-Hill Concise Encyclopedia of Science and Technology*, 5th Ed., 2005 at 1252. In contrast, a filament lamp produces light by heating a filament to incandescence by the passage of an electric current. A discharge lamp does so by sending an electric discharge through a gas or vapor producing substance. An arc lamp does so by sending a current through a gas between two electrodes. Therefore, as the instant LED Lamp is not a filament, discharge, or arc lamp, it cannot be classified under heading 8539, HTSUS.

Heading 8543, HTSUS, provides in relevant part for: “Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter.” The instant product is an “electrical apparatus.” See *Whirlpool Corp. v. United States*, 505 F. Supp. 2d 1358, 1362 (Ct. Int’l. Trade 2007) (defining the term “apparatus” as “a group of devices, or a collection or set of materials, instruments or appliances to be used for a particular purpose or a given end.”). The definition of “individual functions” is contained in the EN to Heading 84.79. See EN 85.43. EN(B) to heading 84.79 provides that “Mechanical devices which cannot perform their function unless they are mounted on another machine or appliance, or are incorporated in a more complex entity, provided that this function: (i) is distinct from that which is performed by the machine or appliance whereon they are to be mounted, or by the entity wherein they are to be incorporated, and (ii) does not play an integral and inseparable part in the operation of such machine, appliance or entity.” The LED Lenser Reflector is designed to fit into any lighting fixture which accepts a standard GU5.3 two pin connector. This lamp cannot perform its function of light generation unless it is connected to a power source. The lighting fixture supplies power to the instant product. As such, the instant lamp must be mounted on another machine or appliance, or incorporated into a more complex entity. The function of the lighting fixture is to hold the instant lamp, supply power to it, and to direct its light. These functions are separate from the function of the lamp, whose function is to generate light. Because the lighting fixture performs these functions whether or not a lamp has been inserted, the lamp itself does not play an integral and inseparable part of the operation of the lighting fixture. Therefore, the instant LED Lenser Reflector has an “individual function” as defined in EN(B) to 84.79 and within the meaning of heading 8543, HTSUS.

Heading 8543, HTSUS, covers “[e]lectro-luminescent devices, generally in strips, plates or panels, and based on electro-luminescent substances (e.g., zinc sulphide) placed between two layers of conductive material.” See EN(16) to Heading 85.43. “Luminescence” is defined as:

Light emission that cannot be attributed merely to the temperature of the emitting body. Various types of luminescence are often distinguished according to the source of the energy which excites the emission.

* * *

There are also types of luminescence that are initiated by the flow of some form of energy into the body from the outside. According to the source of the exciting energy, the luminescences are designated as ... electroluminescence if the energy comes from the application of an electric field.

* * *

See *McGraw Hill Concise Encyclopedia of Science and Technology*, 6th Edition (2009) at 1361.

CBP also notes that an LED is considered an electroluminescent substance. See *Van Nostrand's Encyclopedia of Chemistry*, 5th Edition (2005) at 947, which defines the operation of LEDs:

Recombination or injection electroluminescence was first observed in 1923 by Lossew, who found that when point electrodes were placed on certain silicon carbide crystals and current passed through them, light was often emitted. Explanation of this emission has been possible only with the development of semiconductor theory. If minority charge carriers are injected into a semiconductor, i.e., electrons are injected into p-type material or "positive holes" into n-type material, they recombine spontaneously with the majority carriers existing in the material. If some of these recombinations result in the emission of radiation, electroluminescence results.

* * *

The subject LED Lenser Reflector is an "electroluminescent device" as described above because passing electric current through it will generate light that cannot be attributed merely to its temperature. Furthermore, it is based on an "electroluminescent substance," namely its internal light-emitting diodes. Accordingly, the LED Lenser Reflector is properly classified under heading 8543, HTSUS. It is therefore, pursuant to Note 1(f) to Chapter 94, HTSUS, excluded from classification in heading 9405, HTSUS. With regard to classification at the subheading level, the instant product is properly classified under subheading 8543.70.70, HTSUS, which provides for "Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter; parts thereof: Other machines and apparatus: Electric luminescent lamps".¹

HOLDING:

By application of GRIs 1 and 6, the LED Lenser Reflector is classified under heading 8543, HTSUS, specifically in subheading 8543.70.70, HTSUS, which provides for "Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter; parts thereof: Other machines and apparatus: Electric luminescent lamps". The column one, general rate of duty is 2% *ad valorem*.

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

¹We note that this conclusion is consistent with a recent decision taken at the Harmonized System Committee (HSC) of the World Customs Organization (WCO). At the 52nd Session of the HSC, the Committee considered the classification of two LED lamps, one of which was described as an LED spot lamp composed of several light-emitting diodes, circuitry to rectify AC power and convert voltage to a usable level by the LEDs, a heat sink and a bi-pin base. After an exchange of views, the HSC voted to reaffirm its previous decision to classify this product under heading 85.43.

EFFECT ON OTHER RULINGS:

NY M83236, dated May 18, 2006, is hereby revoked. In accordance with 19 U.S.C. §1625(c), this ruling will become effective 60 days after its publication in the Customs Bulletin.

Sincerely,

IEVA K. O'ROURKE

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

[ATTACHMENT C]

HQ H072515

February 12, 2014

CLA-2 OT:RR:CTF:TCM H072515 AMM**CATEGORY: Classification****TARIFF NO.: 8543.70.70**

MS. SAIMA LITT
POLYBRITE INTERNATIONAL
1751 WEST DIEHL ROAD SUITE 110
NAPERVILLE, IL 60563

RE: Revocation of New York Ruling Letter L84113; Tariff Classification of a Light Emitting Diode Lamp

DEAR MS. LITT,

This is in reference to New York Ruling Letter (NY) L84113 dated April 19, 2005, regarding the classification under the Harmonized Tariff Schedule of the United States (HTSUS) of a light-emitting diode (LED) lamp. In that ruling, Customs and Border Protection (CBP) classified the LED lamp under heading 8539, HTSUS, which provides for “Electrical filament or discharge lamps, including sealed beam lamp units and ultraviolet or infrared lamps; ...”. We have reviewed NY L84113 and found it to be incorrect. For the reasons set forth below, we are revoking that ruling.

Pursuant to section 625(c), Tariff Act of 1930, (19 U.S.C. §1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act, Pub. L. 103–182, 107 Stat. 2057, 2186 (1993), notice of the proposed modification of treatment relating to the tariff classification of certain light emitting diode lamps was published on November 2, 2011, in the *Customs Bulletin*, Volume 45, Number 45. In that notice, CBP proposed that the instant lamps were classified in heading 9405, HTSUS. Comments from one interested party were received on this proposal. The commenter disagreed with the proposed classification of the instant LED lamps, urging that they be classified under heading 8543, HTSUS. Upon further consideration, and as discussed below, CBP has concluded that the instant lamps are classified in heading 8543, HTSUS.

FACTS:

In NY L84113, CBP described the merchandise as follows:

The item in question is an LED (light emitting diode) light bulb. It is designed to be used both as a bulb used as an indicator light and also in standard household lighting fixtures. They have a standard screw-in base and operate between 1 and 3 watts. The LED within the glass light bulb emits an ultraviolet light when activated.

The instant LED lamps are pictured below.

**ISSUE:**

What is the correct classification under the HTSUS of the LED lamp?

LAW AND ANALYSIS:

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

The 2014 HTSUS provisions under consideration are as follows:

8539 Electrical filament or discharge lamps, including sealed beam lamp units and ultraviolet or infrared lamps; arc lamps; parts thereof:

Discharge lamps, other than ultraviolet lamps:

8539.39.00 Other

8543 Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter; parts thereof:

8543.70 Other machines and apparatus:

8543.70.70 Electric luminescent lamps

9405 Lamps and lighting fittings including searchlights and spotlights and parts thereof, not elsewhere specified or included; illuminated signs, illuminated nameplates and the like, having a permanently fixed light source, and parts thereof not elsewhere specified or included:

9405.42 Other electric lamps and lighting fittings:

9405.40.80 Other

Note 1 to Chapter 94, HTSUS, states, in part: "This chapter does not cover: ... (f) Lamps or lighting fittings of chapter 85 ...".

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

generally indicative of the proper interpretation of these headings. See T.D. 89–80, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

EN 84.79 states, in pertinent part:

For this purpose the following are to be regarded as having “individual functions”:

- (B) Mechanical devices which cannot perform their function unless they are mounted on another machine or appliance, or are incorporated in a more complex entity, provided that this function:
 - (i) is distinct from that which is performed by the machine or appliance whereon they are to be mounted, or by the entity wherein they are to be incorporated, and
 - (ii) does not play an integral and inseparable part in the operation of such machine, appliance or entity.

EN 85.39 states, in pertinent part:

Electric light lamps consist of glass or quartz containers, of various shapes, containing the necessary elements for converting electrical energy into light rays (including infra-red or ultra-violet rays). The heading covers all electric light lamps, whether or not specially designed for particular uses (including flashlight discharge lamps). The heading covers filament lamps, gas or vapour discharge lamps and arc-lamps.

* * *

EN 85.43 states, in pertinent part:

This heading covers all electrical appliances and apparatus, not falling in any other heading of this Chapter, nor covered more specifically by a heading of any other Chapter of the Nomenclature, nor excluded by the operation of a Legal Note to Section XVI or to this Chapter.

* * *

The electrical appliances and apparatus of this heading must have individual functions. The introductory provisions of Explanatory Note to heading 84.79 concerning machines and mechanical appliances having individual functions apply, *mutatis mutandis*, to the appliances and apparatus of this heading.

* * *

The heading includes, *inter alia*:

* * *

- (16) Electro-luminescent devices, generally in strips, plates or panels, and based on electro-luminescent substances (e.g., zinc sulphide) placed between two layers of conductive material.

* * *

The General ENs to Chapter 94, state, in pertinent part:

This Chapter covers, subject to the exclusions listed in the Explanatory Notes to this Chapter:

* * *

- (3) Lamps and lighting fittings and parts thereof, not elsewhere specified or included, of any material (excluding those of materials described in Note 1 to Chapter 71)

* * *

CBP has previously determined that a “lamp” is a device which provides an isolated source of heat or light. *See* HQ H024878, dated March 31, 2010 (LED module for ornaments); HQ H024876, dated March 31, 2010 (LED modules for promotional buttons and displays); HQ H095035, dated March 31, 2010 (LED light set for bike handlebars); HQ H024874, dated March 31, 2010 (various LED modules); HQ H042586, dated January 29, 2009 (fiber optic lamp); and HQ 966952, dated August 18, 2004 (litecube). *See also The Random House College Dictionary* (1973) at 752; *Webster’s New Collegiate Dictionary* (1979) at 639). As entered, the subject LED lamps comprise the light source of a lighting fixture. The instant LED Lamps are designed with an Edison type screw in base to replace a standard size light bulb. When installed into a lighting fixture, and connected to a power source, it emits light. As such, we conclude that the instant LED lamps meet the definition of “lamp” as enunciated in earlier CBP Rulings, in that they are devices which provides an isolated source of light.

If the instant LED lamps are lamps or lighting fittings of Chapter 85, then they are excluded from heading 9405, HTSUS by Note 1 to Chapter 94, HTSUS. Therefore, our analysis begins with headings 8539 and 8543, HTSUS.

Heading 8539, HTSUS, provides in relevant part for: “Electric filament or discharge lamps, including sealed beam lamp units and ultraviolet or infrared lamps; arc lamps; ...”. By its terms, the heading only covers filament, discharge, and arc lamps. *See NY L82536, dated March 4, 2005 (filament lamp) and NY L87569, dated October 6, 2005 (metal halide lamp)*. *See also* EN 85.39. It does not include LED lamps, which function differently. An LED is a rectifying semiconductor device which converts electrical energy into electromagnetic radiation when current is applied. *McGraw-Hill Concise Encyclopedia of Science and Technology*, 5th Ed., 2005 at 1252. In contrast, a filament lamp produces light by heating a filament to incandescence by the passage of an electric current. A discharge lamp does so by sending an electric discharge through a gas or vapor producing substance. An arc lamp does so by sending a current through a gas between two electrodes. Therefore, as the instant LED Lamps are not filament, discharge, or arc lamps, they cannot be classified under heading 8539, HTSUS.

Heading 8543, HTSUS, provides in relevant part for: “Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter.” The instant products are “electrical apparatus.” See *Whirlpool Corp. v. United States*, 505 F. Supp. 2d 1358, 1362 (Ct. Int’l. Trade 2007) (defining the term “apparatus” as “a group of devices, or a collection or set of materials, instruments or appliances to be used for a particular purpose or a given end.”). The definition of “individual functions” is contained in the EN to Heading 84.79. See EN 85.43. EN(B) to heading 84.79 provides that “Mechanical devices which cannot perform their function unless they are mounted on another machine or appliance, or are incorporated in a more complex entity, provided that this function: (i) is distinct from that which is performed by the machine or appliance whereon they are to be mounted, or by the entity wherein they are to be incorporated, and (ii) does not play an integral and inseparable part in the operation of such machine, appliance or entity.” The instant LED Lamps are designed to fit into any lighting fixture which uses an Edison type screw base. These lamps cannot perform their function of light generation unless they are connected to a power source. The lighting fixture supplies power to the instant products. As such, the instant lamps must be mounted on another machine or appliance, or incorporated into a more complex entity. The function of the lighting fixture is to hold the instant lamps, supply power to them, and to direct their light. These functions are separate from the function of the lamp, whose function is to generate light. Because the lighting fixture performs these functions whether or not a lamp has been inserted, the lamp itself does not play an integral and inseparable part of the operation of the lighting fixture. Therefore, the instant LED lamps have an “individual function” as defined in EN(B) to 84.79 and within the meaning of heading 8543, HTSUS.

Heading 8543, HTSUS, covers “[e]lectro-luminescent devices, generally in strips, plates or panels, and based on electro-luminescent substances (e.g., zinc sulphide) placed between two layers of conductive material.” See EN(16) to Heading 85.43. “Luminescence” is defined as:

Light emission that cannot be attributed merely to the temperature of the emitting body. Various types of luminescence are often distinguished according to the source of the energy which excites the emission.

* * *

There are also types of luminescence that are initiated by the flow of some form of energy into the body from the outside. According to the source of the exciting energy, the luminescences are designated as ... electroluminescence if the energy comes from the application of an electric field.

* * *

See *McGraw Hill Concise Encyclopedia of Science and Technology*, 6th Edition (2009) at 1361.

CBP also notes that an LED is considered an electroluminescent substance. See *Van Nostrand's Encyclopedia of Chemistry*, 5th Edition (2005) at 947, which defines the operation of LEDs:

Recombination or injection electroluminescence was first observed in 1923 by Lossev, who found that when point electrodes were placed on certain silicon carbide crystals and current passed through them, light was often emitted. Explanation of this emission has been possible only with the development of semiconductor theory. If minority charge carriers are injected into a semiconductor, i.e., electrons are injected into p-type material or "positive holes" into n-type material, they recombine spontaneously with the majority carriers existing in the material. If some of these recombinations result in the emission of radiation, electroluminescence results.

* * *

The instant LED lamps are "electroluminescent devices" as described above because passing electric current through them will generate light that cannot be attributed merely to temperature. Furthermore, they are based on an "electroluminescent substance," namely their internal light-emitting diodes. Accordingly, the instant LED lamps are properly classified under heading 8543, HTSUS. They are therefore, pursuant to Note 1(f) to Chapter 94, HTSUS, excluded from classification in heading 9405, HTSUS. With regard to classification at the subheading level, the instant products are properly classified under subheading 8543.70.70, HTSUS, which provides for "Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter; parts thereof: Other machines and apparatus: Electric luminescent lamps".¹

HOLDING:

By application of GRIs 1 and 6, the instant LED Lamps are classified under heading 8543, HTSUS, specifically in subheading 8543.70.70, HTSUS, which provides for "Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter; parts thereof: Other machines and apparatus: Electric luminescent lamps". The column one, general rate of duty is 2% *ad valorem*.

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

EFFECT ON OTHER RULINGS:

NY L84113, dated April 19, 2005, is hereby revoked. In accordance with 19 U.S.C. §1625(c), this ruling will become effective 60 days after its publication in the Customs Bulletin.

¹ We note that this conclusion is consistent with a recent decision taken at the Harmonized System Committee (HSC) of the World Customs Organization (WCO). At the 52nd Session of the HSC, the Committee considered the classification of two LED lamps, one of which was described as an LED bulb in the standard shape of an 'incandescent bulb,' composed of several light emitting diodes inside of a plastic envelope, circuitry to rectify AC power and to convert voltage to a level useable by the LEDs, a heat sink and an Edison screw base. After an exchange of views, the HSC voted to reaffirm its previous decision to classify this product under heading 85.43.

Sincerely,

IEVA K. O'ROURKE

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

[ATTACHMENT D]

HQ H024869

February 12, 2014

CLA-2 OT:RR:CTF:TCM H024869 AMM**CATEGORY: Classification****TARIFF NO.: 8543.70.70**

MR. R. KEVIN WILLIAMS
O'DONNELL & WILLIAMS
20 NORTH WACKER DRIVE SUITE 1416
CHICAGO, ILLINOIS 60606

RE: Revocation of New York Ruling Letter E89000; Tariff Classification of a Light Emitting Diode Lamp

DEAR MR. WILLIAMS

This is in reference to New York Ruling Letter (NY) E89000 dated December 22, 1999, regarding the classification under the Harmonized Tariff Schedule of the United States (HTSUS) of a certain light-emitting diode (LED) Lamp known as the "Frosty Super Bright Red LED Lamp." In that ruling, Customs and Border Protection (CBP) classified the LED Lamp under heading 8541, HTSUS, which provides in part for "Light-emitting diodes (LED's)". We have reviewed NY E89000 and found it to be incorrect. For the reasons set forth below, we are revoking that ruling.

Pursuant to section 625(c), Tariff Act of 1930, (19 U.S.C. §1625(c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act, Pub. L. 103-182, 107 Stat. 2057, 2186 (1993), notice of the proposed modification of treatment relating to the tariff classification of certain light emitting diode lamps was published on November 2, 2011, in the *Customs Bulletin*, Volume 45, Number 45. In that notice, CBP proposed that the instant lamp was classified in heading 9405, HTSUS. Comments from one interested party were received on this proposal. The commenter disagreed with the proposed classification of the instant Frosty Super Bright Red LED Lamp, urging that it be classified under heading 8543, HTSUS. Upon further consideration, and as discussed below, CBP has concluded that the instant lamp is classified in heading 8543, HTSUS.

FACTS:

In NY E89000, CBP described the merchandise as follows:

[The] Frosty Super Bright Red LED lamp ... consists of the following components: LED's, capacitor, varistor, lead wires, silicon insulation sleeve, PC board, body, swivel socket, adapter and candelabra. The array of LED's protrude from a plastic housing that encloses the electrical components (PC board, varistor and capacitor) that regulate and distribute electricity. The components all comprise a module ... Although principally used in illuminated signs due to the red light produced by the LED's, the components of the Frosty LED lamps are only directed toward providing the correct amount of electricity from 120-volt circuits to power the LED's.

CBP classified this product under heading 8541, HTSUS, specifically under subheading 8541.40.20, HTSUS. See NY E89000.

ISSUE:

What is the correct classification under the HTSUS of the Frosty Super Bright Red LED Lamp?

LAW AND ANALYSIS:

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

The 2014 HTSUS provisions under consideration are as follows:

8539	Electrical filament or discharge lamps, including sealed beam lamp units and ultraviolet or infrared lamps; arc lamps; parts thereof:
	Ultraviolet or infrared lamps; arc lamps:
8539.49.00	Other

8541	Diodes, transistors and similar semiconductor devices; photosensitive semiconductor devices, including photovoltaic cells whether or not assembled in modules or made up into panels; light-emitting diodes; mounted piezoelectric crystals; parts thereof:
8541.40	Photosensitive semiconductor devices, including photovoltaic cells whether or not assembled in modules or made up into panels; light-emitting diodes:
8541.40.20	Light-emitting diodes (LED's)

8543	Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter; parts thereof:
8543.70	Other machines and apparatus:
8543.70.70	Electric luminescent lamps

9405	Lamps and lighting fittings including searchlights and spotlights and parts thereof, not elsewhere specified or included; illuminated signs, illuminated nameplates and the like, having a permanently fixed light source, and parts thereof not elsewhere specified or included:
9405.43	Other electric lamps and lighting fittings:
9405.40.80	Other

Note 8 to Chapter 85, HTSUS, provides, in part: "For classification of the articles defined in this note, headings 8541 and 8542 shall take precedence over any other heading in the Nomenclature, except in the case of heading 8523, which might cover them by reference to, in particular, their function."

Note 1 to Chapter 94, HTSUS, states, in part: "This chapter does not cover: ... (f) Lamps or lighting fittings of chapter 85 ...".

The Harmonized Commodity Description and Coding System Explanatory Notes (ENs) constitute the official interpretation of the Harmonized System

at the international level. While not legally binding nor dispositive, the ENs provide a commentary on the scope of each heading of the HTSUS and are generally indicative of the proper interpretation of these headings. See T.D. 89-80, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

EN 84.79 states, in pertinent part:

For this purpose the following are to be regarded as having “individual functions”:

- (B) Mechanical devices which cannot perform their function unless they are mounted on another machine or appliance, or are incorporated in a more complex entity, provided that this function:
 - (i) is distinct from that which is performed by the machine or appliance whereon they are to be mounted, or by the entity wherein they are to be incorporated, and
 - (ii) does not play an integral and inseparable part in the operation of such machine, appliance or entity.

* * *

EN 85.39 states, in pertinent part:

Electric light lamps consist of glass or quartz containers, of various shapes, containing the necessary elements for converting electrical energy into light rays (including infra-red or ultra-violet rays). The heading covers all electric light lamps, whether or not specially designed for particular uses (including flashlight discharge lamps). The heading covers filament lamps, gas or vapour discharge lamps and arc-lamps.

* * *

EN 85.41 states, in pertinent part: “Light emitting diodes ... are devices which convert electric energy into visible, infra-red or ultra-violet rays. They are used, e.g., for displaying or transmitting data in control systems.”

EN 85.43 states, in pertinent part:

This heading covers all electrical appliances and apparatus, not falling in any other heading of this Chapter, nor covered more specifically by a heading of any other Chapter of the Nomenclature, nor excluded by the operation of a Legal Note to Section XVI or to this Chapter.

* * *

The electrical appliances and apparatus of this heading must have individual functions. The introductory provisions of Explanatory Note to heading 84.79 concerning machines and mechanical appliances having individual functions apply, *mutatis mutandis*, to the appliances and apparatus of this heading.

The heading includes, *inter alia*:

* * *

- (16) Electro-luminescent devices, generally in strips, plates or panels, and based on electro-luminescent substances (e.g., zinc sulphide) placed between two layers of conductive material.

* * *

The General ENs to Chapter 94, state, in pertinent part:

This Chapter covers, subject to the exclusions listed in the Explanatory Notes to this Chapter:

- (3) Lamps and lighting fittings and parts thereof, not elsewhere specified or included, of any material (excluding those of materials described in Note 1 to Chapter 71)

* * *

According to Note 8 of Chapter 85, CBP must first consider whether the Frosty Super Bright Red LED Lamp is properly classified under 8541, HTSUS, which provides, in part, for “light-emitting diodes.” CBP has previously determined that the provision for LEDs in heading 8541, HTSUS, covers only the individual LEDs (i.e., the semiconductor diodes without other components). See Headquarters Ruling (HQ) H024874, dated March 31, 2010; HQ H024876, dated March 31, 2010; HQ H024878, dated March 31, 2010; and HQ H095035, dated March 31, 2010. See also HQ H011693, dated December 18, 2007; HQ H010636, dated December 3, 2007; HQ H003215, dated October 10, 2007; and HQ 966401, dated June 29, 2004. The Frosty Super Bright Red LED Lamp consists of a number of LED bulbs mounted in a housing, which includes PC board, varistor and capacitor. As such, the devices are beyond the scope of heading 8541, HTSUS.

CBP has previously determined that a “lamp” is a device which provides an isolated source of heat or light. See HQ H024878, dated March 31, 2010 (LED module for ornaments); HQ H024876, dated March 31, 2010 (LED modules for promotional buttons and displays); HQ H095035, dated March 31, 2010 (LED light set for bike handlebars); HQ H024874, dated March 31, 2010 (various LED modules); HQ H042586, dated January 29, 2009 (fiber optic lamp); and HQ 966952, dated August 18, 2004 (litecube). See also *The Random House College Dictionary* (1973) at 752; *Webster’s New Collegiate Dictionary* (1979) at 639). As entered, the subject Frosty Super Bright Red LED Lamp comprises the light source of a lighting fixture. The Frosty Super Bright Red LED Lamp is designed to illuminate an exit sign. When installed into the appropriate lighting fixture, and connected to a power source, it emits light. As such, we conclude that the Frosty Super Bright Red LED Lamp meets the definition of “lamp” as enunciated in earlier CBP Rulings, in that it is a device which provides an isolated source of light.

If the Frosty Super Bright Red LED Lamp is a lamp or lighting fitting of Chapter 85, then it is excluded from heading 9405, HTSUS by Note 1 to Chapter 94, HTSUS. Therefore, our analysis begins with headings 8539 and 8543, HTSUS.

Heading 8539, HTSUS, provides in relevant part for: “Electric filament or discharge lamps, including sealed beam lamp units and ultraviolet or infrared lamps; arc lamps; ...”. By its terms, the heading only covers filament, discharge, and arc lamps. See NY L82536, dated March 4, 2005 (filament lamp) and NY L87569, dated October 6, 2005 (metal halide lamp). See also EN 85.39. It does not include LED lamps, which function differently. An LED is a rectifying semiconductor device which converts electrical energy

into electromagnetic radiation when current is applied. *McGraw-Hill Concise Encyclopedia of Science and Technology*, 5th Ed., 2005 at 1252. In contrast, a filament lamp produces light by heating a filament to incandescence by the passage of an electric current. A discharge lamp does so by sending an electric discharge through a gas or vapor producing substance. An arc lamp does so by sending a current through a gas between two electrodes. Therefore, as the instant LED Lamp is not a filament, discharge, or arc lamp, it cannot be classified under heading 8539, HTSUS.

Heading 8543, HTSUS, provides in relevant part for: “Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter.” The instant product is an “electrical apparatus.” See *Whirlpool Corp. v. United States*, 505 F. Supp. 2d 1358, 1362 (Ct. Int’l. Trade 2007) (defining the term “apparatus” as “a group of devices, or a collection or set of materials, instruments or appliances to be used for a particular purpose or a given end.”). The definition of “individual functions” is contained in the EN to Heading 84.79. See EN 85.43. EN(B) to heading 84.79 provides that “Mechanical devices which cannot perform their function unless they are mounted on another machine or appliance, or are incorporated in a more complex entity, provided that this function: (i) is distinct from that which is performed by the machine or appliance whereon they are to be mounted, or by the entity wherein they are to be incorporated, and (ii) does not play an integral and inseparable part in the operation of such machine, appliance or entity.” The Frosty Super Bright Red LED Lamp is designed to fit into an exit sign. This lamp cannot perform its function of light generation unless it is connected to a power source. The lighting fixture supplies power to the instant product. As such, the instant lamp must be mounted on another machine or appliance, or incorporated into a more complex entity. The function of the lighting fixture is to hold the instant lamp, supply power to it, and to direct its light. These functions are separate from the function of the lamp, whose function is to generate light. Because the lighting fixture performs these functions whether or not a lamp has been inserted, the lamp itself does not play an integral and inseparable part of the operation of the lighting fixture. Therefore, the instant Frosty Super Bright Red LED Lamp has an “individual function” as defined in EN(B) to 84.79 and within the meaning of heading 8543, HTSUS.

Heading 8543, HTSUS, covers “[e]lectro-luminescent devices, generally in strips, plates or panels, and based on electro-luminescent substances (e.g., zinc sulphide) placed between two layers of conductive material.” See EN(16) to Heading 85.43. “Luminescence” is defined as:

Light emission that cannot be attributed merely to the temperature of the emitting body. Various types of luminescence are often distinguished according to the source of the energy which excites the emission.

* * *

There are also types of luminescence that are initiated by the flow of some form of energy into the body from the outside. According to the source of the exciting energy, the luminescences are designated as ... electroluminescence if the energy comes from the application of an electric field.

* * *

See *McGraw Hill Concise Encyclopedia of Science and Technology*, 6th Edition (2009) at 1361.

CBP also notes that an LED is considered an electroluminescent substance. See *Van Nostrand's Encyclopedia of Chemistry*, 5th Edition (2005) at 947, which defines the operation of LEDs:

Recombination or injection electroluminescence was first observed in 1923 by Lossew, who found that when point electrodes were placed on certain silicon carbide crystals and current passed through them, light was often emitted. Explanation of this emission has been possible only with the development of semiconductor theory. If minority charge carriers are injected into a semiconductor, i.e., electrons are injected into p-type material or "positive holes" into n-type material, they recombine spontaneously with the majority carriers existing in the material. If some of these recombinations result in the emission of radiation, electroluminescence results.

* * *

The subject Frosty Super Bright Red LED Lamp is an "electroluminescent device" as described above because passing electric current through it will generate light that cannot be attributed merely to its temperature. Furthermore, it is based on an "electroluminescent substance," namely its internal light-emitting diodes. Accordingly, the Frosty Super Bright Red LED Lamp is properly classified under heading 8543, HTSUS. It is therefore, pursuant to Note 1(f) to Chapter 94, HTSUS, excluded from classification in heading 9405, HTSUS. With regard to classification at the subheading level, the instant product is properly classified under subheading 8543.70.70, HTSUS, which provides for "Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter; parts thereof: Other machines and apparatus: Electric luminescent lamps".¹

HOLDING:

By application of GRIs 1 and 6, the Frosty Super Bright Red LED Lamp is classified under heading 8543, HTSUS, specifically in subheading 8543.70.70, HTSUS, which provides for "Electrical machines and apparatus, having individual functions, not specified or included elsewhere in this chapter; parts thereof: Other machines and apparatus: Electric luminescent lamps". The column one, general rate of duty is 2% *ad valorem*.

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

¹ We note that this conclusion is consistent with a recent decision taken at the Harmonized System Committee (HSC) of the World Customs Organization (WCO). At the 52nd Session of the HSC, the Committee considered the classification of two LED lamps, one of which was described as an LED bulb in the standard shape of an 'incandescent bulb,' composed of several light emitting diodes inside of a plastic envelope, circuitry to rectify AC power and to convert voltage to a level useable by the LEDs, a heat sink and an Edison screw base. After an exchange of views, the HSC voted to reaffirm its previous decision to classify this product under heading 85.43.

EFFECT ON OTHER RULINGS:

NY E89000, dated December 22, 1999, is hereby revoked. In accordance with 19 U.S.C. §1625(c), this ruling will become effective 60 days after its publication in the Customs Bulletin.

Sincerely,

IEVA K. O'ROURKE

For

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

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

(No. 12 2013)

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 December 2013. The last notice was published in the CUSTOMS BULLETIN December 4, 2013. Corrections or updates may be sent to: Intellectual Property Rights Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 90 K Street, NE., 10th Floor, Washington, D.C. 20229-1177.

FOR FURTHER INFORMATION CONTACT: LaVerne Watkins, Paralegal Specialist, Intellectual Property Rights Branch, Regulations & Rulings, Office of International Trade, (202) 325-0095.

Dated: February 6, 2014

CHARLES R. STEUART

Chief,

*Intellectual Property Rights Branch
Regulations & Rulings Office of International
Trade*

CBP IPR RECORDATION — DECEMBER 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 06-00046	12/19/2013	12/7/2023	COLORS BLUE AND ORANGE ON METAL ROPE BLOCKS	THE CROSBY GROUP INC.	No
TMK 03-00617	12/4/2013	11/26/2023	DESIGN (BIFURCATE DEVICE)	BULOVA CORPORATION	No
TMK 04-01101	12/12/2013	11/9/2023	CHICAGO BEARS	CHICAGO BEARS FOOTBALL CLUB	No
TMK 04-01120	12/12/2013	11/2/2023	HELMET AND DESIGN	NEW YORK FOOTBALL GIANTS, INC.	No
TMK 04-01136	12/12/2013	12/14/2023	HELMET DESIGN	ARIZONA CARDINALS FOOTBALL CLUB LLC.	No
TMK 13-01332	12/16/2013	6/7/2021	SUMO CITRUS	SUNTREAT GROWERS & SHIPPERS, INC.	No
TMK 05-00541	12/12/2013	11/25/2023	SOFIKNIT	MISS ELAINE, INC.	No
TMK 06-00735	12/19/2013	12/28/2023	AFRICAN ROYALE	BRONNER BROS., INC.	No
TMK 06-00867	12/16/2013	11/30/2023	DOLBY	DOLBY LABORATORIES LICENSING CORPORATION	No
TMK 08-00526	12/16/2013	10/4/2023	DESIGN ONLY	CRAYOLA PROPERTIES, INC.	No
TMK 10-00279	12/4/2013	9/2/2023	DESIGN (THREE-DIMENSIONAL CANDY BOX)	SOREMARTEC S.A.	No
TMK 04-01121	12/12/2013	10/21/2023	NY (STYLIZED)	NEW YORK FOOTBALL GIANTS, INC.	No
TMK 11-00948	12/4/2013	9/3/2023	D Y A Z I D E (STYLIZED)	SMITH KLINE BEECHAM PHARMACEUTICALS COMPANY	No

CBP IPR RECORDATION — DECEMBER 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 11-01229	12/16/2013	1/27/2024	THE SIMPSONS	TWENTIETH CENTURY FOX FILM CORPORATION	No
TMK 12-00758	12/4/2013	10/27/2023	ALCON	ALCON LABORATORIES, INC.	No
TMK 12-00780	12/4/2013	10/7/2023	RESTOR	NOVARTIS AG	No
TMK 12-00783	12/4/2013	12/23/2023	SYSTANE	NOVARTIS AG	No
TMK 13-01331	12/16/2013	10/14/2023	SW AND DESIGN	SMITH & WESSON CORP.	No
TMK 13-01324	12/12/2013	5/19/2019	FUJIAN COOKING WINE GUSHAN AND DESIGN	FUJIAN FULAO WINE CO. LTD.	No
TMK 13-01308	12/4/2013	9/17/2023	DOPE	THIRD ESTATE LLC	No
TMK 13-01303	12/4/2013	11/25/2023	SCION AND DESIGN	TOYOTA JIDOSHA KABUSHIKI KAISHA, TRADING AS TOYOTA MOTOR CORPORATION	No
TMK 13-01312	12/4/2013	3/9/2024	PRIDE AND DESIGN	PRIDE FC WORLDWIDE HOLDINGS, LLC (F/K/AANDO HOLDINGS, LLC)	No
COP 13-00168	12/16/2013	12/16/2033	POKEMON X : NOAM-4-9896.	GAME FREAK INC.,	No
COP 13-00163	12/16/2013	12/16/2033	POKEMON X : NOAM-4-9893	GAME FREAK INC.	No
TMK 13-01310	12/4/2013	8/23/2023	P4 AND DESIGN	CLUFFY BIOMEDICAL LLC	No
TMK 13-01311	12/4/2013	12/21/2020	WEC	WEC HOLDINGS LLC	No

CBP IPR RECORDATION — DECEMBER 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 13-01313	12/4/2013	10/16/2017	PRIDE AND DESIGN	PRIDE FC WORLDWIDE HOLDINGS, LLC (F/K/AANDO HOLDINGS, LLC)	No
TMK 13-01307	12/4/2013	7/24/2022	MEDIPLUS (STYLIZED)	MEDIPURPOSE PTE. LTD.	No
TMK 13-01306	12/4/2013	9/18/2022	FINULITE	FINULITE LLC	No
TMK 13-01315	12/4/2013	8/25/2018	THE GEM PALACE	LAKSYM GEMS LLC D/B/A MUNNU/THE GEM PALACE	No
TMK 13-01325	12/12/2013	12/8/2019	HYBRID & COMPANY AND DESIGN	FASHION EXCHANGE LLC	No
TMK 13-01314	12/4/2013	9/3/2021	SOLEUSAIR	MJC SUPPLY, LLC.	No
TMK 13-01304	12/4/2013	7/17/2022	CLARA CLARK	LINEN CHOICE CORP.	No
TMK 13-01305	12/4/2013	3/26/2023	LAMMALOE (STYLIZED)	LINEN CHOICE CORP.	No
TMK 13-01301	12/4/2013	10/30/2017	WEC	WEC HOLDINGS LLC	No
TMK 13-01302	12/4/2013	5/24/2021	BABYLANCE	MEDIPURPOSE PTE. LTD.	No
COP 13-00159	12/4/2013	12/4/2033	CLARA CLARK	LINEN CHOICE CORP.,	No
TMK 13-01300	12/4/2013	7/9/2023	QUADRAFOAM	UNIVERSAL AIR FILTER COMPANY	No
TMK 13-01309	12/4/2013	11/3/2022	TRU-TEST	TRU-TEST CORPORATION LIMITED	No
TMK 13-01320	12/12/2013	10/8/2023	MIIVERSE	NINTENDO OF AMERICA INC.	No
TMK 13-01336	12/19/2013	10/4/2023	HULK	MARVEL CHARACTERS, INC.	No
TMK 13-01337	12/19/2013	6/21/2023	HULK	MARVEL CHARACTERS, INC.	No

CBP IPR RECORDATION — DECEMBER 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 13-01339	12/19/2013	10/1/2023	I CLEAN	FRIO TECHNOLOGIES INC-DBA (DOING BUSINESS AS) THE I CLEAN COMPANY	No
TMK 13-01334	12/17/2013	7/5/2021	RED BIRD TRADEMARK DESIGN	ROVIO ENTERTAINMENT, LTD.	No
TMK 13-01321	12/12/2013	2/28/2022	JACK DANIEL'S TENNESSEE WHISKEY OLD NO. 7 BRAND SOUR MASH AND DESIGN	JACK DANIEL'S PROPERTIES, INC.	No
TMK 13-01326	12/16/2013	6/17/2018	ORION	MD AUDIO ENGINEERING, INC.	No
TMK 13-01330	12/16/2013	3/27/2019	FINLANDIA	FINLANDIA VODKA WORLDWIDE LTD.	No
TMK 13-01329	12/16/2013	10/2/2022	FINLANDIA VODKA OF FINLAND AND DESIGN	FINLANDIA VODKA WORLDWIDE LTD.	No
COP 13-00164	12/16/2013	12/16/2033	POKEMON Y : NOAM-4-9898.	GAME FREAK INC.,	No
COP 13-00166	12/16/2013	12/16/2033	NINTENDO 2DS US HARDWARE PACKAGING.	NINTENDO OF AMERICA INC.	No
COP 13-00170	12/19/2013	12/19/2033	UNICORN GLOW PETS PACKAGING, 15 INCH.	ONTEL PRODUCTS CORPORATION	No
COP 13-00165	12/16/2013	12/16/2033	PIKMIN3.	NINTENDO OF AMERICA INC.,	No
COP 13-00167	12/16/2013	12/16/2033	DONKEY KONG COUNTRY RETURNS 3D.	NINTENDO OF AMERICA INC.,	No

CBP IPR RECORDATION — DECEMBER 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
COP 13-00161	12/16/2013	12/16/2033	NINTENDO DSI (US HARDWARE PACKAGING)	NINTENDO OF AMERICA INC.	No
TMK 13-01328	12/16/2013	8/23/2021	ECOLIGHT	GOOD EARTH LIGHTING, INC.	No
TMK 13-01322	12/12/2013	11/5/2023	WHEREVER YOU GO IN THE WORLD, MADAS IS YOUR STYLE	TRADING & CONSULTING INTERNATIONAL, INC.	No
COP 13-00169	12/19/2013	12/19/2033	DREAM LITES PACKAGING AND INSTRUCTIONS-RAINBOW UNICORN-PILLOW PETS DREAM LITES PACKAGING AND INSTRUCTIONS-RAINBOW UNICORN.	ONTEL PRODUCTS CORPORATION	No
COP 13-00160	12/12/2013	12/12/2033	BELLS & FLOWER BRAND FRIED CHILI PASTE LABEL.	H.C. FOODS CO., LTD.	No
TMK 13-01319	12/12/2013	1/24/2019	SOUTHERN COMFORT	SOUTHERN COMFORT PROPERTIES, INC.	No
TMK 13-01318	12/12/2013	7/9/2022	RP	SATA GMBH & CO. KG	No
TMK 13-01327	12/16/2013	5/21/2023	OPTEON	E.I. DUPONT DE NEMOURS AND COMPANY	No
TMK 13-01323	12/12/2013	10/21/2018	CALIFORNIA GIANT BERRY FARMS	CALIFORNIA GIANT, INC.	No
TMK 13-01341	12/19/2013	12/3/2023	DOPE (STYLIZED)	THIRD ESTATE, LLC	No
COP 13-00162	12/16/2013	12/16/2033	POKEMON Y : NOAM-4-9901.	GAME FREAK INC.,	No

CBP IPR RECORDATION — DECEMBER 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 13-01338	12/19/2013	8/30/2023	HULK	MARVEL CHARACTERS, INC.	No
TMK 13-01340	12/19/2013	12/16/2023	SCION	TOYOTA JIDOSHA KABUSHIKI KAISHA, TRADING AS TOYOTA MOTOR CORPORATION	No
TMK 13-01335	12/17/2013	6/26/2022	SOUTHERN COMFORT NEW ORLEANS ORIGINAL SC & DESIGN	SOUTHERN COMFORT PROPERTIES, INC.	No
TMK 13-01333	12/17/2013	12/4/2022	RED BIRD	ROVIO ENTERTAINMENT, LTD.	No

Total Records: 66

Date as of: 2/6/2014

**COPYRIGHT, TRADEMARK, AND TRADE NAME
RECORDATIONS****(No. 1 2014)**

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 2014. The last notice was published in the CUSTOMS BULLETIN December 4, 2013.

Corrections or updates may be sent to: Intellectual Property Rights Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 90 K Street, NE., 10th Floor, Washington, DC 20229-1177.

FOR FURTHER INFORMATION CONTACT: LaVerne Watkins, Paralegal Specialist, Intellectual Property Rights Branch, Regulations and Rulings, and Office of International Trade at (2092) 325-0095.

Dated: February 6, 2014

CHARLES R. STEUART
Chief,
Intellectual Property Rights Branch
Regulations & Rulings Office of International
Trade

CBP IPR RECORDATION — JANUARY 2014

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 06-00305	1/14/2014	12/23/2023	TWISTED PLEASURE	CHURCH & DWIGHT CO., INC.	No
TMK 04-00899	1/30/2014	12/7/2023	DESIGN ONLY (LEAPING COUGAR)	PUMA SE	No
TMK 03-00615	1/14/2014	1/8/2024	THE ORIGINAL PETER RABBIT BOOKS	FREDERICK WARNE & COMPANY INC.	No
TMK 04-00344	1/14/2014	10/7/2023	M CIRCLE DESIGN	WOLVERINE OUTDOORS INC.	No
TMK 04-00317	1/16/2014	12/28/2023	98A	HEWLETT-PACKARD DEVELOPMENT COMPANY, L.P.	No
TMK 04-00325	1/29/2014	12/20/2023	STANT	STANT USA CORP.	No
TMK 04-00352	1/29/2014	1/20/2024	WORKPLACE	WORKPLACE SYSTEMS INC.	No
TMK 04-00973	1/31/2014	1/6/2014	LCR AND TUMBLING DICE DESIGN	GEORGE & COMPANY LLC	No
TMK 04-00581	1/16/2014	7/22/2024	CONICAL CONFIGURATION AND PLUME DEVICE	HERSHEY CHOCOLATE & CONFEC-TIONER	No
TMK 04-00708	1/27/2014	12/16/2023	VACIS	LEIDOS, INC.	No
TMK 04-00898	1/30/2014	12/16/2023	D & DESIGN	PUMA SE	No
TMK 04-00711	1/14/2014	4/26/2024	MENTADENT	CHURCH & DWIGHT CO., INC.	No
TMK 04-00938	1/30/2014	7/29/2023	ATRYN	REVO BIOLOGICS, INC., A MASSACHU-SETTS CORPORATION	No
TMK 04-00939	1/14/2014	12/28/2023	BABY MINK	APOLO TEXTIL S.A. DE C.V.	No
TMK 05-00116	1/31/2014	7/29/2023	NFL EQUIPMENT	NATIONAL FOOTBALL LEAGUE	No

CBP IPR RECORDATION — JANUARY 2014

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 04-01117	1/31/2014	11/30/2023	KANSAS CITY CHIEFS	KANSAS CITY CHIEFS FOOTBALL CLUB	No
TMK 05-00842	1/14/2014	12/30/2023	M DESIGN-ORANGE SLICE	MONSTER, INC.	No
TMK 05-00656	1/14/2014	11/10/2023	RUFFLES (STYLIZED)	FRITO-LAY NORTH AMERICA, INC.	No
TMK 06-00479	1/14/2014	12/30/2023	IU INTERLOCKING DESIGN (SOLID)	THE TRUSTEES OF INDIANA UNIVERSITY	No
TMK 05-00775	1/14/2014	9/18/2024	ZIPPO	ZIPPMARK INC.	No
TMK 12-00493	1/31/2014	12/16/2023	PAW DESIGN	ANDOVER HEALTHCARE, INC.	No
TMK 06-01057	1/27/2014	12/23/2023	DESIGN ONLY	FLUKE CORPORATION	No
TMK 07-00325	1/16/2014	10/21/2023	I WITHIN A DIAMOND-SHAPED	STRIDE TOOL INC.	No
TMK 07-01420	1/27/2014	9/14/2023	LA SONORA DINAMITA	DISCOS FUENTES EDIMUSICA, S.A.	No
TMK 07-01248	1/31/2014	1/6/2024	BEAR DESIGN	S. TOUS, S.L.	No
TMK 08-00161	1/14/2014	10/14/2023	SD (STYLIZED)	SD-3C, LLC	No
TMK 08-00108	1/27/2014	6/12/2014	COUNTRY CROCK	UNILEVER SUPPLY CHAIN, INC.	No
TMK 09-00038	1/14/2014	5/19/2018	APEX MICROTECHNOLOGY	APEX MICROTECHNOLOGY, INC.	No
TMK 04-00058	1/14/2014	10/25/2023	COTTON & DESIGN	COTTON INCORPORATED	No
TMK 14-00072	1/16/2014	7/2/2023	YOUR ORIGINS MATTER	THE INSTITUTE FOR CREATION RE-SEARCH	No
TMK 09-00358	1/31/2014	1/20/2024	HAIR FOOD FORMULA	E.T. BROWNE DRUG CO., INC.	No

CBP IPR RECORDATION — JANUARY 2014

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 09-00359	1/16/2014	12/16/2023	EVENTONE	E.T. BROWNE DRUG CO., INC.	No
TMK 10-00298	1/14/2014	11/25/2023	FERRERO ROCHER AND DESIGN	FERRERO S.P.A.	No
TMK 11-00329	1/14/2014	7/27/2014	MAINELY MULCH	LUCERNE FARMS	No
TMK 11-00220	1/31/2014	10/18/2023	SNOOPY	PEANUTS WORLDWIDE LLC	No
TMK 11-00240	1/14/2014	12/17/2023	MALTESER	HERSHEY CHOCOLATE & CONFEC-TIONERY CORPORATION	No
TMK 14-00010	1/14/2014	12/18/2022	HANKS SURPLUS	UNITED APPAREL, LLC.	No
TMK 14-00070	1/16/2014	9/16/2018	RDM AND DESIGN	FEI-MIN FANN, DBA RDM ENTER-PRISES	No
TMK 14-00009	1/14/2014	6/18/2023	PINK ARMOR	ONTEL PRODUCTS CORPORATION	No
COP 14-00004	1/14/2014	1/14/2034	PINK ARMOR PACKAGING AND IN-STRUCTIONS.	ONTEL PRODUCTS CORPORATION	No
TMK 14-00047	1/14/2014	6/21/2021	YERVOY	BRISTOL-MYERS SQUIBB COMPANY	No
TMK 05-00618	1/14/2014	9/2/2023	MINI AND DESIGN	BAYERISCHE MOTOREN WERKE AK-TIENGESELLSCHAFT	No
TMK 14-00011	1/14/2014	9/3/2023	NEW ERA	NEW ERA CAP CO., INC.	No
TMK 14-00014	1/14/2014	1/11/2023	CONSTELLATION	OMEGA SA (OMEGA AG) (OMEGA LTD.)	No
TMK 14-00056	1/16/2014	9/29/2019	NICOLE LEE	NICOLE INC. DBA NICOLE LEE	No

CBP IPR RECORDATION — JANUARY 2014

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 14-00065	1/16/2014	9/24/2023	RENAVAST PROMOTES HEALTHY KID-NEY FUNCTION (AND DESIGN)	BIO HEALTH SOLUTIONS, INC.	No
TMK 14-00057	1/16/2014	11/11/2018	NICOLE LEE	NICOLE INC. DBA NICOLE LEE	No
TMK 14-00064	1/16/2014	8/27/2023	ECX	SYNSORT INCORPORATED	No
TMK 14-00097	1/29/2014	3/30/2014	ALDO (STYLIZED)	THE ALDO GROUP INC.	No
TMK 12-01434	1/29/2014	11/1/2023	DESIGN (DUCK)	BASS PRO INTELLECTUAL PROPERTY, L.L.C.	No
TMK 14-00024	1/14/2014	6/26/2022	KAI	KAI VODKA LLC	No
TMK 14-00043	1/14/2014	7/28/2023	OMEGA AND DESIGN	OMEGA SA (OMEGA AG) (OMEGA LTD.)	No
COP 14-00018	1/29/2014	1/29/2034	1D	1D MEDIA LIMITED	No
TMK 14-00013	1/14/2014	12/18/2014	DE VILLE	OMEGA SA (OMEGA AG) (OMEGA LTD.)	No
TMK 13-00352	1/16/2014	11/23/2023	DESIGN	HERMES INTERNATIONAL CORPORATION	No
TMK 14-00053	1/16/2014	8/27/2023	CARLTON	REYNOLDS INNOVATIONS INC.	No
TMK 13-00679	1/14/2014	1/20/2024	TECH20	GANDER MOUNTAIN COMPANY	No
TMK 14-00044	1/14/2014	8/1/2015	ZERIT	BRISTOL-MYERS SQUIBB COMPANY	No
TMK 14-00052	1/16/2014	12/17/2023	KOREBALANCE	MED-FIT SYSTEMS, INC.	No
TMK 14-00051	1/16/2014	12/24/2023	KOREBALANCE	MED-FIT SYSTEMS, INC.	No
TMK 14-00033	1/14/2014	7/11/2016	SPRYCEL	BRISTOL-MYERS SQUIBB COMPANY	No

CBP IPR RECORDATION — JANUARY 2014

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 14-00055	1/16/2014	11/9/2020	SIDE SLEEPER PRO	INTERSELL VENTURES LLC	No
TMK 14-00046	1/14/2014	12/10/2023	WEE WIZARDS	TOMKAT INNOVATIONS L.L.C.	No
TMK 14-00032	1/14/2014	7/15/2023	HOUSE OF GENIE	JEANIE LYNN LISEBY	No
TMK 14-00050	1/16/2014	9/15/2022	NBA LOGO	NBA PROPERTIES, INC.	No
COP 14-00010	1/14/2014	1/14/2034	POKEMON RUMBLE U	NINTENDO OF AMERICA INC.	No
COP 14-00008	1/14/2014	1/14/2034	NEW SUPER LUIGI U	NINTENDO OF AMERICA INC.	No
TMK 14-00030	1/14/2014	11/7/2019	PINARELLO	CICLI PINARELLO	No
TMK 14-00063	1/16/2014	9/16/2023	ORION AND DESIGN	MD AUDIO ENGINEERING, INC.	No
TMK 14-00049	1/16/2014	2/10/2014	XTRPRO	MD AUDIO ENGINEERING, INC.	Yes
COP 14-00011	1/16/2014	1/16/2034	SLEEP EASY PACKAGING AND INSTRUCTIONS.	ONTEL PRODUCTS CORPORATION	No
TMK 14-00054	1/16/2014	11/19/2023	QUANTUM HORTICULTURE	HYDROFARM, INC	No
TMK 14-00039	1/14/2014	10/30/2023	PROMISE	CONOPCO, INC.	No
TMK 14-00038	1/14/2014	3/15/2021	VASELINE	CONOPCO, INC.	No
TMK 14-00031	1/14/2014	8/23/2019	HELLMANN'S	CONOPCO, INC.	No
TMK 14-00041	1/14/2014	11/13/2017	STILLWATER SUPPLY CO. AND DESIGN	PACIFIC TEAZE, INC.	Yes
COP 14-00009	1/14/2014	1/14/2034	STAR FOX 64 3D	NINTENDO OF AMERICA INC.	No
COP 14-00002	1/13/2014	1/13/2034	NEW SUPER LUIGI U	NINTENDO OF AMERICA INC.	No

CBP IPR RECORDATION — JANUARY 2014

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 14-00005	1/13/2014	2/1/2015	COBALT (STYLIZED)	MD AUDIO ENGINEERING, INC.	No
TMK 14-00006	1/13/2014	4/6/2014	HCCA	MD AUDIO ENGINEERING, INC.	No
TMK 14-00008	1/13/2014	12/30/2018	XTR	MD AUDIO ENGINEERING, INC.	No
TMK 14-00037	1/14/2014	2/3/2019	HINDERER	RICK HINDERER, DBA/AKA HINDERER KNIVES	No
TMK 14-00007	1/13/2014	2/3/2019	HINDERER KNIVES	RICK HINDERER, DBA/AKA HINDERER KNIVES	No
TMK 14-00034	1/14/2014	7/24/2022	CARESS	CONOPCO, INC.	No
TMK 14-00025	1/14/2014	2/23/2023	MARVEL	MARVEL CHARACTERS, INC.	No
TMK 14-00040	1/14/2014	3/25/2023	AXE	CONOPCO, INC.	No
TMK 14-00035	1/14/2014	10/14/2022	BEST FOODS	CONOPCO, INC.	No
TMK 14-00029	1/14/2014	11/27/2022	SPIGEN	SPIGEN SGP KOREA CO, LTD	No
TMK 13-01316	1/13/2014	12/16/2023	JACK DANIEL	JACK DANIEL'S PROPERTIES, INC.	No
COP 14-00007	1/14/2014	1/14/2034	TURBO SNAKE	ONTEL PRODUCTS CORPORATION	No
COP 14-00012	1/16/2014	1/16/2034	POTATO EXPRESS PACKAGING AND INSTRUCTIONS	ONTEL PRODUCTS CORPORATION	No
TMK 14-00026	1/14/2014	7/30/2023	BLUESTREAM OUTDOORS	PACIFIC TEAZE, INC.	No
COP 14-00016	1/27/2014	1/27/2034	RED BULL ENERGY DRINK: FRONT LABEL DESIGN	DIETRICH MATESCHITZ	No

CBP IPR RECORDATION — JANUARY 2014

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 14-00114	1/30/2014	1/12/2023	VERA BRADLEY	VERA BRADLEY DESIGNS, INC.	No
TMK 13-01317	1/14/2014	9/18/2020	DESIGN (TWO BELLS TIED WITH RED RIBBON)	H.C. FOODS CO., LTD	No
COP 14-00005	1/14/2014	1/14/2034	TURBO SNAKE PACKAGING AND INSTRUCTIONS	ONTEL PRODUCTS CORPORATION	No
COP 14-00006	1/14/2014	1/14/2034	SWIVEL SWEEPER MAX PACKAGING	ONTEL PRODUCTS CORPORATION	No
COP 14-00003	1/14/2014	1/14/2034	SLUSHY MAGIC PACKAGING	ONTEL PRODUCTS CORPORATION	No
TMK 14-00002	1/13/2014	7/26/2021	EVERSURE	BENDIX SPICER FOUNDATION BRAKE LLC	No
TMK 14-00066	1/16/2014	9/1/2017	MASTER BOND	MASTER BOND, INC.	No
TMK 14-00042	1/14/2014	5/3/2020	BERTOLLI (STYLIZED)	UNILEVER N.V.	No
TMK 14-00001	1/13/2014	5/10/2022	FREON (STYLIZED)	E. I. DU PONT DE NEMOURS AND COMPANY	No
TMK 14-00027	1/14/2014	1/25/2015	CUCINA ANTICA ANO DESIGN	CUCINA ANTICA FOODS CORP.	No
TMK 14-00036	1/14/2014	4/28/2019	XM-18	RICK HINERER DBA/AKA HINDERER KNIVES	No
TMK 14-00073	1/23/2014	10/22/2023	FINISHING TOUCH	IDEAVILLAGE PRODUCTS CORP.	No
TMK 14-00003	1/13/2014	9/23/2023	SPIDER-MAN	MARVEL CHARACTERS, INC.	No
TMK 14-00004	1/13/2014	6/22/2020	ENERGIZER AND DESIGN	EVEREADY BATTERY COMPANY, INC.	No

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Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
COP 14-00001	1/13/2014	1/13/2034	POKEMON SCRAMBLE U	NINTENDO OF AMERICA INC.	No
TMK 14-00015	1/14/2014	10/23/2022	9FIFTY	NEW ERA CAP CO., INC.	No
TMK 14-00021	1/14/2014	5/8/2022	PILLOW PETS	CJ PRODUCTS, LLC	No
TMK 14-00017	1/14/2014	6/8/2023	CERTINA	CERTINA AG (CERTINA SA)(CERTINA LTD)	No
TMK 14-00019	1/14/2014	11/6/2022	VANS OFF THE WALL	VANS, INC.	No
TMK 14-00060	1/16/2014	7/13/2020	29TWENTY	NEW ERA CAP CO., INC.	No
TMK 14-00012	1/14/2014	6/25/2033	IUG I USE GLASSES (STYLIZED)	TIME PLAZA	No
TMK 14-00074	1/23/2014	1/7/2024	FLIPEEZ	IDEAVILLAGE PRODUCTS CORP.	No
COP 14-00013	1/23/2014	1/23/2034	PUPPY GLOW PETS PACKAGING, 15 INCH.	ONTEL PRODUCTS CORPORATION. ADDRESS: 21 LAW DRIVE, FAIRFIELD, NJ, 07004, UNITED STATES.	No
TMK 14-00016	1/14/2014	5/21/2023	19TWENTY	NEW ERA CAP CO., INC.	No
TMK 14-00045	1/14/2014	1/5/2020	49FORTY	NEW ERA CAP CO., INC.	No
TMK 14-00018	1/14/2014	12/24/2023	DIAMONDERA	NEW ERA CAP CO., INC.	No
TMK 14-00061	1/16/2014	3/9/2020	NEW ERA	NEW ERA CAP CO., INC.	No
TMK 14-00058	1/16/2014	11/3/2022	RADO	RADO UHREN AG (RADO WATCH CO. LTD) (MONTRES RADO S.A.)	No
TMK 14-00023	1/14/2014	3/1/2015	CUCINA ANTICA AND DESIGN	CUCINA ANTICA FOODS CORPORATION	No

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Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 14-00062	1/16/2014	4/2/2023	9FORTY	NEW ERA CAP CO., INC.	No
TMK 14-00020	1/14/2014	12/1/2019	39THIRTY	NEW ERA CAP CO., INC.	No
TMK 04-00189	1/14/2014	10/7/2023	PALM LASER	PLS PACIFIC LASER SYSTEMS	No
TMK 04-00233	1/14/2014	12/21/2023	ETIENNE AIGNER & HORSESHOE DESIGN	ETIENNE AIGNER, INC.	No
COP 14-00014	1/23/2014	1/23/2034	INTENZE ADVANCED TATTOO INK FORMULA LABELS.	INTENZE PRODUCTS, INC. ADDRESS: 215 ROUTE 17 SOUTH, ROCHELLE PARK, NJ, 07662, UNITED STATES.	No
TMK 14-00028	1/14/2014	8/27/2023	DPX	SYNCSORT INCORPORATED	Yes
TMK 14-00087	1/27/2014	10/15/2023	STIHL	ANDREAS STIHL AG & CO KG, WAIBLINGEN	No
TMK 14-00059	1/16/2014	11/7/2015	DESIGN	ANDREAS STIHL AG & CO KG, WAIBLINGEN	No
TMK 14-00107	1/29/2014	5/22/2017	VARON DANDY	G.L.C. & D CORPORATION	No
TMK 04-00096	1/14/2014	1/11/2024	STYLIZED FLAG DESIGN (BLACK AND WHITE)	MICROSOFT CORPORATION	No
TMK 14-00077	1/23/2014	7/31/2022	MICROTOUCH MAX	IDEAVILLAGE PRODUCTS CORP.	No
TMK 14-00069	1/16/2014	1/24/2022	INTENZE	INTENZE PRODUCTS, INC.	No
TMK 14-00068	1/16/2014	12/10/2023	POP CHEF	IDEAVILLAGE PRODUCTS CORP.	No

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Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tm	Owner Name	GM Restricted
TMK 14-00109	1/29/2014	11/11/2018	NTENSE	MD AUDIO ENGINEERING, INC.	No
TMK 14-00110	1/29/2014	7/26/2014	XTREME	MD AUDIO ENGINEERING, INC.	No
TMK 14-00082	1/27/2014	9/2/2018	CITY STYLE	LENER NEW YORK, INC.	No
TMK 14-00099	1/29/2014	7/15/2023	PARAMOUNT	PARAMOUNT PICTURES CORPORATION	No
TMK 14-00022	1/14/2014	8/25/2019	MUNNU	LAKSVIM GEMS LLC D/B/A MUNNU/THE GEM PALACE	No
TMK 14-00048	1/16/2014	9/6/2021	NL NICOLE LEE, HOLLYWOOD SINCE 2004 AND DESIGN	NICOLE INC. DBA NICOLE LEE	No
TMK 14-00075	1/23/2014	9/10/2023	FLIPS	IDEAVILLAGE PRODUCTS CORP.	No
TMK 14-00076	1/23/2014	8/13/2023	FLASHLIGHT FRIENDS	IDEAVILLAGE PRODUCTS CORP.	No
TMK 14-00067	1/16/2014	8/13/2023	ICE CREAM MAGIC	IDEAVILLAGE PRODUCTS CORP.	No
TMK 14-00095	1/27/2014	1/2/2017	XTREME	MD AUDIO ENGINEERING, INC.	Yes
TMK 14-00098	1/29/2014	12/3/2023	HOBE (STYLIZED)	MARCELO CO	No
TMK 14-00094	1/27/2014	10/22/2023	WOW MANI (STYLIZED)	RICILINA P. OCAMPO	No
COP 14-00017	1/27/2014	1/27/2034	MEDIC COMPUTERIZED VEHICLE IN- SPECTION REPORT (CVIR)	MITSUBISHI MOTORS NORTH AMERICA, INC.	No
TMK 14-00086	1/27/2014	8/21/2022	ALPINE SWISS	GFX MARKETING CORP UNDER LI- CENSE FROM LANCEBERG HOLDINGS LLC	No

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Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 14-00088	1/27/2014	9/25/2022	TROPHY FARMS ~ ALL NATURAL ~ AND DESIGN	TROPHY NUT COMPANY, INC.	No
TMK 14-00092	1/27/2014	9/18/2022	OLD FRIENDS	LAKE NORMAN INDUSTRIES, LLC	No
TMK 14-00089	1/27/2014	4/18/2016	SONOS	SONOS, INC.	No
TMK 14-00096	1/27/2014	2/8/2015	XTREME	MD AUDIO ENGINEERING, INC.	No
TMK 14-00085	1/27/2014	2/24/2014	COBALT	MD AUDIO ENGINEERING, INC.	Yes
TMK 14-00093	1/27/2014	1/1/2023	MIXIE	NIGHT SKY PRODUCTS LAB, LLC	No
TMK 14-00090	1/27/2014	6/17/2018	DESIGN	BALDOR ELECTRIC COMPANY	No
TMK 14-00081	1/27/2014	3/2/2020	NY & C (STYLIZED)	LERNCO, INC.	No
TMK 06-00033	1/30/2014	1/27/2024	SEMI-AUTOMATIC PISTOL DESIGN	GLOCK, INC.	No
TMK 05-00932	1/30/2014	1/27/2024	SEMI-AUTOMATIC PISTOL DESIGN	GLOCK INC.	No
COP 14-00015	1/27/2014	1/27/2034	COMPUTERIZED VEHICLE INSPECTION REPORT (CVIR) V.2.	MITSUBISHI MOTORS NORTH AMERICA, INC.	No
TMK 14-00091	1/27/2014	12/10/2023	TROPHY NUT	TROPHY NUT CO., INC.	No
TMK 14-00083	1/27/2014	6/10/2018	NEW YORK & COMPANY	LERNCO, INC.	No
TMK 14-00084	1/27/2014	9/13/2021	GORELLI	LAKE NORMAN INDUSTRIES, LLC	No
TMK 14-00080	1/27/2014	2/12/2018	NY & C (STYLIZED)	LERNCO, INC.	No
TMK 14-00103	1/29/2014	3/6/2022	NY STYLE	LERNCO, INC.	No
TMK 14-00079	1/27/2014	10/23/2017	NY AND DESIGN	LERNCO, INC.	No

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Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 14-00111	1/30/2014	1/1/2023	CASSINA S.P.A.	CASSINA S.P.A.	No
TMK 14-00117	1/30/2014	1/24/2022	NJOY	NJOY, INC.	No
TMK 14-00116	1/30/2014	9/3/2023	NJOY	NJOY, INC.	No
TMK 14-00118	1/30/2014	8/27/2023	DESIGN	NJOY, INC.	No
TMK 14-00071	1/16/2014	12/10/2023	ORIGINS MATTER	THE INSTITUTE FOR CREATION RE-SEARCH	No
TMK 14-00078	1/27/2014	8/12/2018	CITY BEAUTY	LEARNER NEW YORK, INC.	No
TMK 14-00106	1/29/2014	7/6/2024	PROBAR	PRO VENTURES, LLC	No
TMK 14-00108	1/29/2014	10/27/2022	B-2	NORTHROP GRUMMAN SYSTEMS CORPORATION	No
TMK 14-00108	1/29/2014	10/21/2016	THUNDERBOLT	NORTHROP GRUMMAN SYSTEMS CORPORATION	No
TMK 14-00113	1/30/2014	7/30/2023	DESIGN (NJOY SHIELD DESIGN)	NJOY, INC.	No
TMK 04-00202	1/31/2014	10/7/2023	DB (PLUS DESIGN)	DOONEY & BOURKE INC.	No
TMK 14-00101	1/29/2014	1/23/2017	SEAHAWKS	FOOTBALL NORTHWEST LLC	No
TMK 14-00104	1/29/2014	7/26/2023	LESORTSAC	LE SPORTSAC, INC.	No
TMK 14-00102	1/29/2014	12/31/2023	DESIGN (OFFICE LOGO (2012))	MICROSOFT CORPORATION	No
TMK 14-00112	1/30/2014	12/11/2027	BACKJOY	BACKJOY ORTHOTICS, LLC	No

CBP IPR RECORDATION — JANUARY 2014

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 14-00100	1/29/2014	8/5/2023	CORSAIR	NORTHROP GRUMMAN SYSTEMS CORPORATION	No
TMK 14-00115	1/30/2014	12/10/2022	GOTHAM BAR AND GRILL	12 EAST 12 ASSOCIATES	No

Total Records: 183

Date as of: 2/6/2014

**ACCREDITATION AND APPROVAL OF LABORATORY
SERVICE, INC., AS A COMMERCIAL GAUGER AND
LABORATORY**

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

ACTION: Notice of accreditation and approval of Laboratory Service, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Laboratory Service, Inc., has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of September 7, 2011.

EFFECTIVE DATE: The accreditation and approval of Laboratory Service, Inc., as a commercial gauger and laboratory became effective on September 7, 2011. The next triennial inspection date will be scheduled for September 2014.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1331 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Laboratory Service, Inc., 11731 Port Road, Seabrook, TX 77586, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Laboratory Service, Inc. is approved for the following gauging procedures for petroleum and certain petroleum products per the American Petroleum Institute (API) Measurement Standards:

API chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement.

Laboratory Service, Inc. is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-08	ASTM D 86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27-48	ASTM D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
	ASTM D 1364	Standard Test Method for Water in Volatile Solvents (Karl Fischer Reagent Titration Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf.

Dated: January 23, 2014.

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 10, 2014 (79 FR 7684)]

ACCREDITATION AND APPROVAL OF INTERTEK USA INC., AS A COMMERCIAL GAUGER AND LABORATORY

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

ACTION: Notice of accreditation and approval of Intertek USA Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, Intertek USA Inc., has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of May 24, 2012.

EFFECTIVE DATE: The accreditation and approval of Intertek USA Inc., as commercial gauger and laboratory became effective on May 24, 2012. The next triennial inspection date will be scheduled for May 2015.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1331 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Intertek USA Inc., 4951A East Adamo Drive, Suite 130 Tampa, FL 33605, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Intertek USA Inc. is approved for the following gauging procedures for petroleum and certain petroleum products per the American Petroleum Institute (API) Measurement Standards:

API chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement.

Intertek USA Inc. is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-02	ASTM D 1298	Standard Test Method for Density, Relative Density (Specific Gravity), or API Gravity of Crude Petroleum and Liquid Petroleum Products by Hydrometer Method.
27-06	ASTM D 473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-08	ASTM D 86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27-11	ASTM D 445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (the Calculation of Dynamic Velocity).
27-13	ASTM D 4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27-48	ASTM D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27-54	ASTM D 1796	Standard test method for water and sediment in fuel oils by the centrifuge method (Laboratory procedure).
27-57	ASTM D 7039	Standard Test Method for Sulfur in Gasoline and Diesel Fuel by Monochromatic Wavelength Dispersive X-Ray Fluorescence Spectrometry.
27-58	ASTM D 5191	Standard Test Method For Vapor Pressure of Petroleum Products (Mini Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. http://cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf.

Dated: January 23, 2014.

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

APPROVAL OF AMERICAN CARGO ASSURANCE, AS A COMMERCIAL GAUGER

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

ACTION: Notice of approval of American Cargo Assurance, as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that American Cargo Assurance, has been approved to gauge petroleum and petroleum products for customs purposes for the next three years as of August 29, 2013.

EFFECTIVE DATE: The approval of American Cargo Assurance, as commercial gauger became effective on August 29, 2013. The next triennial inspection date will be scheduled for August 2016.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.13, that American Cargo Assurance, 1404-B South Houston Road, Pasadena, TX 77502, has been approved to gauge petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. American Cargo Assurance is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding

the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf.

Dated: January 27, 2014.

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 10, 2014 (79 FR 7692)]



ACCREDITATION AND APPROVAL OF CAMIN CARGO CONTROL, INC., AS A COMMERCIAL GAUGER AND LABORATORY.

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

ACTION: Notice of accreditation and approval of Camin Cargo Control, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Camin Cargo Control, Inc., has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes for the next three years as of September 27, 2013.

EFFECTIVE DATE: The accreditation and approval of Camin Cargo Control, Inc., as commercial gauger and laboratory became effective on September 27, 2013. The next triennial inspection date will be scheduled for September 2016.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Camin Cargo Control, Inc., 1800 Dabney Drive, Pasadena, TX 77536, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for

customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Camin Cargo Control, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature determination.
12	Calculations.
17	Maritime measurement.
4	Proving Systems.
5	Metering.
8	Sampling.
10	Sediment & Water.
11	Physical Property data.

Camin Cargo Control, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-48	ASTM D-4052	Standard test method for density and relative density of liquids by digital density meter.
27-01	ASTM D-287	Standard test method for API Gravity of crude petroleum products and petroleum products (Hydrometer Method).
27-08	ASTM D-86	Standard test method for distillation of petroleum products at atmospheric pressure.
27-11	ASTM D-445	Standard test method for kinematic viscosity of transparent and opaque liquids (and calculations of dynamic viscosity).
27-57	ASTM D-7039	Standard test method for sulfur in gasoline and diesel fuel by monochromatic wavelength dispersive spectrometry.
27-03	ASTM D-4006	Standard test method for water in crude oil by distillation.
27-04	ASTM D-95	Standard test method for water in petroleum products and bituminous materials by distillation.

CBPL No.	ASTM	Title
27-13	ASTM D-4294	Standard test method for sulfur in Petroleum and Petroleum products by energy dispersive X-ray fluorescence spectrometry.
27-50	ASTM D-93	Standard Test Method for Paraffin-Type for Flash-Point by Pensky-Martens Closed Cup Test.
27-21	ASTM D-4177	Standard Practice for the Automatic Sampling of Petroleum and Petroleum Products.
27-20	ASTM D-4057	Standard Practice for the Manual Sampling of Petroleum and Petroleum Products.
27-58	ASTM D-5191	Standard Test Method for Vapor Pressure of Petroleum Products(Mini Method).
27-16	ASTM E-300	Standard Practice for Sampling Industrial Chemicals.
27-05	ASTM D-4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. http://cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf

Dated: February 3, 2014.

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 10, 2014 (79 FR 7686)]

**ACCREDITATION AND APPROVAL OF OILTEST, INC., AS
A COMMERCIAL GAUGER AND LABORATORY**

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

ACTION: Notice of accreditation and approval of Oiltest, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Oiltest, Inc., has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of May 17, 2012.

EFFECTIVE DATE: The accreditation and approval of Oiltest, Inc., as a commercial gauger and laboratory became effective on May 17, 2012. The next triennial inspection date will be scheduled for May 2015.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1331 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Oiltest, Inc., 2718 Westside Drive, Pasadena, TX 77502, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Oiltest, Inc. is approved for the following gauging procedures for petroleum and certain petroleum products per the American Petroleum Institute (API) Measurement Standards:

API chapters	Title
3	Tank gauging.
8	Sampling.
11	Physical Property.
17	Maritime measurement.

Oiltest, Inc. is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory

Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-03	ASTM D 4006	Standard Test Method for Water in Crude Oil by Distillation.
27-04	ASTM D 95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27-06	ASTM D 473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-11	ASTM D 445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (the Calculation of Dynamic Velocity).
27-13	ASTM D 4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry.
27-46	ASTM D 5002	Standard Test Method for Density and Relative Density of Crude Oils by Digital Density Analyzer.
27-48	ASTM D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27-50	ASTM D 93	Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. http://cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf

Dated: January 23, 2014.

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

APPROVAL OF INTERTEK USA INC., AS A COMMERCIAL GAUGER

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

ACTION: Notice of approval of Intertek USA Inc., as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Intertek USA Inc., has been approved to gauge petroleum and certain petroleum products for customs purposes for the next three years as of July 17, 2012.

EFFECTIVE DATE: The approval of Intertek USA Inc., as commercial gauger became effective on July 17, 2012. The next triennial inspection date will be scheduled for July 2015.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1331 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.13, that Intertek USA Inc., 354 Fairbanks Street, Valdez, AK 99686, has been approved to gauge petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. Intertek USA Inc. is approved for the following gauging procedures for petroleum and certain petroleum products per the American Petroleum Institute (API) Measurement Standards:

API chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding

the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. http://cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf

Dated: January 23, 2014.

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 10, 2014 (79 FR 7692)]



**ACCREDITATION AND APPROVAL OF INSPECTORATE
AMERICA CORPORATION, AS A COMMERCIAL GAUGER
AND LABORATORY**

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

ACTION: Notice of accreditation and approval of Inspectorate America Corporation, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Inspectorate America Corporation has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of September 25, 2013.

EFFECTIVE DATE: The accreditation and approval of Inspectorate America Corporation, as commercial gauger and laboratory became effective on September 25, 2013. The next triennial inspection date will be scheduled for September 2016.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1331 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Inspectorate America Corporation, 3773 Pacheco Blvd., Martinez, CA 94553, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products

for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Inspectorate America Corporation is approved for the following gauging procedures for petroleum and certain petroleum products per the American Petroleum Institute (API) Measurement Standards:

API chapters	Title
2	Tank calibration.
4	Proving systems.
5	Metering.
6	Metering assemblies.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement.

Inspectorate America Corporation is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-01	ASTM D 287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27-03	ASTM D 4006	Standard test method for water in crude oil by distillation.
27-05	ASTM D 4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27-06	ASTM D 473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27-08	ASTM D 86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27-13	ASTM D 4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27-48	ASTM D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assur-

ances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. http://cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf

Dated: January 27, 2014.

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 10, 2014 (79 FR 7687)]



APPROVAL OF MARINE TECHNICAL SURVEYORS, INC., AS A COMMERCIAL GAUGER

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

ACTION: Notice of approval of Marine Technical Surveyors, Inc., as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Marine Technical Surveyors, Inc., has been approved to gauge petroleum and certain petroleum products for customs purposes for the next three years as of May 2, 2012.

EFFECTIVE DATE: The approval of Marine Technical Surveyors, Inc., as commercial gauger became effective on May 2, 2012. The next triennial inspection date will be scheduled for May 2015.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1331 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.13, that Marine Technical Surveyors, Inc., 2382 Highway 1 South, Donaldsonville, LA 70346, has been approved to gauge petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR

151.13. Marine Technical Surveyors, Inc. is approved for the following gauging procedures for petroleum and certain petroleum products per the American Petroleum Institute (API) Measurement Standards:

API chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement.

Anyone wishing to employ this entity to conduct gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger service this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf

Dated: January 23, 2014.

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 10, 2014 (79 FR 7691)]

ACCREDITATION AND APPROVAL OF CHEM COAST, INC., AS A COMMERCIAL GAUGER AND LABORATORY

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

ACTION: Notice of accreditation and approval of Chem Coast, Inc., as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Chem Coast, Inc., has been approved to gauge and accredited to test petroleum and petroleum products, organic chemicals and vegetable oils for customs purposes for the next three years as of August 22, 2013.

EFFECTIVE DATE: The accreditation and approval of Chem Coast, Inc., as commercial gauger and laboratory became effective on August 22, 2013. The next triennial inspection date will be scheduled for August 2016.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Chem Coast, Inc., 11820 North H Street, Laporte, TX 77571, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Chem Coast, Inc., is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
5	Metering.
7	Temperature determination.
8	Sampling.
12	Calculations of Petroleum Quantities.
17	Maritime measurement.

Chem Coast, Inc., is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-48	ASTM D-4052	Standard test method for density and relative density of liquids by digital density meter.
27-01	ASTM D-287	Standard test method for API Gravity of crude petroleum products and petroleum products (Hydrometer method).

CBPL No.	ASTM	Title
27-08	ASTM D-86	Standard test method for distillation of petroleum products at atmospheric pressure.
27-11	ASTM D-445	Standard test method for kinematic viscosity of transparent and opaque liquids (and calculations for dynamic viscosity).
27-05	ASTM D-4928	Standard test method of water in crude oils by Karl Fisher Titration.
27-50	ASTM D-93	Standard test method for flash point by Penske-Martens Closed Cup Tester.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. http://cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf

Dated: January 27, 2014.

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 10, 2014 (79 FR 7688)]

ACCREDITATION AND APPROVAL OF AMSPEC SERVICES, LLC, AS A COMMERCIAL GAUGER AND LABORATORY

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

ACTION: Notice of accreditation and approval of AmSpec Services, LLC, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that AmSpec Services, LLC, has been approved to gauge petroleum

and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of June 13, 2013.

EFFECTIVE DATE: The accreditation and approval of AmSpec Services, LLC, as commercial gauger and laboratory became effective on June 13, 2013. The next triennial inspection date will be scheduled for June 2016.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that AmSpec Services, LLC, 2310 Highway 69 North, Nederland, TX 77627, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. AmSpec Services, LLC is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank gauging.
7	Temperature determination.
8	Sampling.
12	Calculations.
17	Maritime measurement.

AmSpec Services, LLC is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-48	ASTM D-4052	Standard test method for density and relative density of liquids by digital density meter.

CBPL. No.	ASTM	Title
27-13	ASTM D-4294	Standard test method for sulfur in petroleum and petroleum products by energy-dispersive x-ray fluorescence spectrometry.
27-04	ASTM D-95	Standard test method for water in petroleum products and bituminous materials by distillation.
27-08	ASTM D-86	Standard test method for distillation of petroleum products at atmospheric pressure.
27-11	ASTM D-445	Standard test method for kinematic viscosity of transparent and opaque liquids (and calculations of dynamic viscosity).
27-54	ASTM D-1796	Standard test method for water and sediment in fuel oils by the centrifuge method (Laboratory procedure).
27-06	ASTM D-473	Standard test method for sediment in crude oils and fuel oils by the extraction method.
27-50	ASTM D-93	Standard test methods for flash point by Penske-Martens Closed Cup Tester.
27-01	ASTM D-287	Standard test method for API gravity of crude petroleum and petroleum products (hydrometer method).
27-03	ASTM D-4006	Standard test method for water in crude oil by distillation.
27-46	ASTM D-5002	Standard test method for density and relative density of crude oils by digital density analyzer.
27-05	ASTM D-4928	Standard test method for water in crude oils by Coulometric Karl Fischer Titration.
27-58	ASTM D-5191	Standard test method for vapor pressure of petroleum products (mini-method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP

approved gaugers and accredited laboratories. http://cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf

Dated: January 27, 2014.

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 10, 2014 (79 FR 7690)]



ACCREDITATION AND APPROVAL OF SAYBOLT, LP AS A COMMERCIAL GAUGER AND LABORATORY

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

ACTION: Notice of accreditation and approval of Saybolt, LP, as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Saybolt, LP, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of September 25, 2013.

EFFECTIVE DATE: The accreditation and approval of Saybolt, LP, as commercial gauger and laboratory became effective on September 25, 2013. The next triennial inspection date will be scheduled for September 2016.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202-344-1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Saybolt, LP, 4871 Sunrise Dr., Suite 102, Martinez, CA 94553, has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Saybolt, LP, is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
2	Tank gauging.
4	Proving Systems.
5	Metering.
6	Metering Assemblies.
7	Temperature determination.
8	Sampling.
12	Calculation of Petroleum Quantities.
17	Maritime measurement.

Saybolt, LP is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27-01	D287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method)
27-03	D4006	Standard Test Method for Water in Crude Oil by Distillation
27-05	D4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fisher Titration
27-06	D473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method
27-13	D4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy-Dispersive X-ray Fluorescence Spectrometry
27-46	D5002	Standard Test Method for Density and Relative Density of Crude Oils by Digital Density Analyzer

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling

(202) 344–1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories.

http://cbp.gov/linkhandler/cgov/trade/basic_trade/labs_scientific_svcs/commercial_gaugers/gaulist.ctt/gaulist.pdf

Dated: January 27, 2014.

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.



APPROVAL OF AMSPEC SERVICES, LLC, AS A COMMERCIAL GAUGER

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

ACTION: Notice of accreditation and approval of AmSpec Services, LLC, as a commercial gauger.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that AmSpec Services, LLC, has been approved to gauge petroleum and certain petroleum products for customs purposes for the next three years as of May 30, 2013.

EFFECTIVE DATE: The accreditation and approval of AmSpec Services, LLC, as commercial gauger became effective on May 30, 2013. The next triennial inspection date will be scheduled for May 2016.

FOR FURTHER INFORMATION CONTACT: Approved Gauger and Accredited Laboratories Manager, Laboratories and Scientific Services, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.13, that AmSpec Services, LLC, LPG Division, 11725 Port Rd, Seabrook, TX 77586, has been approved to gauge petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.13. AmSpec Services, LLC is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature determination.
8	Sampling.
11.1	Temperature and Pressure Volume Correction Factors for Generalized Crude Oils, Refined Products, and Lubricating Oils.
12	Calculations.
17.1	Maritime measurement (LPG).

Anyone wishing to employ this entity to gauger services should request and receive written assurances from the entity that it is approved by the U.S. Customs and Border Protection to conduct the specific gauger service requested. Alternatively, inquiries regarding the specific gauger services this entity is approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344-1060. The inquiry may also be sent to cbp.labhq@dhs.gov. Please reference the Web site listed below for a complete listing of CBP approved gaugers and accredited laboratories. http://cbp.gov/linkhandler/cgov/trade/basic_trade/gaugers/gaulist.ctt/gaulist.pdf

Dated: January 27, 2014.

IRA S. REESE,
Executive Director,
Laboratories and Scientific Services.

[Published in the Federal Register, February 10, 2014 (79 FR 7689)]

