



## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1364]

### Certain Blood Flow Restriction Devices with Rotatable Windlasses and Components Thereof;

### Notice of Request for Submissions on the Public Interest

**AGENCY:** International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that on March 19, 2024, the presiding administrative law judge (“ALJ”) issued a Recommended Determination on Remedy and Bond in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief. This notice is soliciting comments from the public and interested government agencies only.

**FOR FURTHER INFORMATION CONTACT:** Joelle P. Justus, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 617-1998. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov). General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. (19 U.S.C. 1337(d)(1)). A similar provision applies to cease and desist orders. (19 U.S.C. 1337(f)(1)).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: a general exclusion order directed to certain

blood flow restriction devices with rotatable windlasses and components thereof that infringe claims 1, 4, 15, and 16 of U.S. Patent No. 7,842,067 (“the ’067 patent”) that are imported, sold for importation, and/or sold after importation; a limited exclusion order directed to certain blood flow restriction devices with rotatable windlasses and components thereof that infringe claims 1, 4, 15, and 16 of the ’067 patent, infringe U.S. Trademark Registration Nos. 3,863,064 and 5,046,378, and/or infringe the asserted Trade Dress and that are imported, sold for importation, and/or sold after importation by Respondents Anping Longji Medical Equipment Factory; Dongguanwin Si Hai Precision Mold Co., Ltd.; Eiffel Medical Supplies Co., Ltd.; Empire State Distributors Inc.; EMRN Medical Equipment; GD Tianwu New Material Tech Co., Ltd.; Hengshui Runde Medical Instruments Co., Ltd.; Putian Dima Trading Co., Ltd.; Rhino Inc.; Shanghai Sixu International Freight Agent Co., Ltd.; Shenzhen Anben E-Commerce Co., Ltd.; Shenzhen TMI Medical Supplies Co., Ltd.; Shenzhen Yujie Commercial and Trading Co., Ltd.; Wuxi Emsrun Technology Co., Ltd.; Wuxi Golden Hour Medical Technology Co., Ltd.; and Wuxi Puneda Technology Co., Ltd. (collectively, “Defaulting Respondents”); and cease and desist orders directed to each Defaulting Respondent. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public and interested government agencies are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ’s Recommended Determination on Remedy and Bond issued in this investigation on March 19, 2024. Comments should address whether issuance of the recommended remedial orders in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

- (i) explain how the articles potentially subject to the recommended remedial orders are used in the United States;
- (ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

- (iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;
- (iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and
- (v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on April 26, 2024.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (Mar. 19, 2020). Submissions should refer to the investigation number ("Inv. No. 337-TA-1364") in a prominent place on the cover page and/or the first page. (*See Handbook for Electronic Filing Procedures*, [https://www.usitc.gov/secretary/fed\\_reg\\_notices/rules/handbook\\_on\\_electronic\\_filing.pdf](https://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf)). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity

purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.

Issued: March 25, 2024.

**Katherine Hiner,**

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