

PUBLIC VERSION

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

In the Matter of

**CERTAIN BOILER PROTECTION FOR
ABSORPTION REFRIGERATION
SYSTEMS AND COMPONENTS
THEREOF**

Investigation No. 337-TA-1453

COMMISSION OPINION

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I. INTRODUCTION

On July 6, 2026, the Commission determined to review in part the summary determination of violation (“SD”) issued by the Chief Administrative Law Judge (“CALJ”) on May 21, 2026. 91 Fed. Reg. 42249-51 (July 8, 2026); 19 C.F.R. § 210.44. Specifically, the Commission determined to review the SD’s findings on the economic prong of the domestic industry requirement. On review, the Commission affirms the SD’s determination that complainants ARPC LLC and Paul N. Unmack (together, “Complainants”) have demonstrated that a domestic industry exists with respect to the asserted patent, U.S. Patent No. 8,056,360 (“the ’360 patent”) under section 337(a)(3)(B), as modified herein. Accordingly, the Commission has determined that there has been a violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337, with respect to the asserted claims, claims 1, 4, 6, and 10, of the ’360 patent.

The Commission finds the appropriate remedy is (1) a general exclusion order (“GEO”) prohibiting the importation into the United States of certain boiler protection for absorption refrigeration systems and components thereof that infringe the asserted claims of the ’360 patent; and (2) cease and desist orders (“CDOs”) against the following four defaulting respondents: Kuofanghenanmaoyiyouxiangongsi of Zhengzhou, China (“Koofang”); Shenzhenshi Xiangfan Xinxizixun Youxiangongsi of Shenzhen, China (“RVGIVE”); guangzhou yingpeng dianzi shangwu youxiangongsi of Guangzhou, China (“VISVIC”); and Qingyuannuozedianzishangwuyouxianzerengongsi of Qingyuan, China (“Little Bear Pocket”) (collectively, “Defaulting Respondents”).

The Commission has determined that the public interest will not be adversely affected by the issuance of these orders and sets a bond in the amount of one hundred percent (100%) of

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entered value for infringing articles imported during the period of Presidential review. This opinion sets forth the Commission's reasoning in support of that determination.

II. BACKGROUND

The Commission instituted this investigation on June 18, 2025, based on a complaint, as supplemented, filed by Complainants, both of Butte, Montana. 90 Fed. Reg. 26066-67 (Jun. 18, 2025). The complaint alleged violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain boiler protection for absorption refrigeration systems and components thereof by reason of infringement of claims 1, 4, 6, and 10 of the '360 patent. *Id.* at 26066. The Commission's notice of investigation named 10 respondents:¹

Pinyin Business Name	USA Business Name
Kuofanghenanmaoyiyouxiangongsi	Koofang
Wuhujiaoxiangdianzishangwuyouxiangongsi	Bydorunce
Shenzhenshi Xiangfan Xinxizixun Youxiangongsi	RVGIVE
Ruianshichensumaoyiyouxiangongsi	Tesmirror
Wuhu Tianhao e-commerce Co., Ltd	iFJF
shen zhen shi hong kang da ke ji you xian gong si	HKDAUTOTECH
guangzhou yingpeng dianzi shangwu youxiangongsi	VISVIC
Wang Hai Ping	Hofantek

¹ The Commission's notice of investigation named respondents using Pinyin, which is a phonetic romanization system for Mandarin Chinese. Most subsequent investigation documents, however, refer to the respondents by their USA business names, which are substantially shorter. The remainder of the opinion uses the USA business names.

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shen zhen shi xing han xing dian zi shang wu you xian gong si	XHXAUTO
Qingyuannuozedianzishangwuyouxianzerengongsi	Little Bear Pocket

Id. The Office of Unfair Import Investigations (“OUII”) is participating in this investigation. *Id.*

On November 21, 2025, Complainants moved for an order to show cause and an entry of default for failure to respond to the complaint and notice of investigation against seven respondents—Koofang, Bydorunce, RVGIVE, Tesmirror, iFJF, HKDAUTOTECH, and VISVIC. The motion also stated that Complainants could not serve three respondents—Hofantek, Tesmirror, and XHXAUTO—and thus did not request a show cause order against them. Based on Exhibit 1 of the motion, it appears that Complainants inadvertently omitted Little Bear Pocket from the show-cause list and inadvertently included Tesmirror on the show-cause list. On December 2, 2025, OUII filed a response in support of the motion.² On December 8, 2025, the CALJ issued an order to show cause against Koofang, Bydorunce, RVGIVE, Tesmirror, iFJF, HKDAUTOTECH, and VISVIC. Order No. 8 (Dec. 8, 2025).

On December 11, 2025, Complainants moved to withdraw the complaint and terminate the investigation with respect to the three unserved respondents—Hofantek, Tesmirror, and XHXAUTO. On December 15, 2025, OUII filed a response in support of the motion. The CALJ granted the motion and terminated those parties from the investigation. Order No. 10 (Dec. 19, 2025), *unreviewed by* Comm’n Notice (Jan. 8, 2026).

² See [Corrected] Commission Investigative Staff’s Response to Complainants ARPC LLC and Paul N. Unmack’s Motion for an Order to Show Cause and Entry of Default as to Certain Respondents (Dec. 2, 2025).

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On December 19, 2025, the CALJ issued an order correcting Order No. 8 based on the inadvertent exclusion of Little Bear Pocket and inadvertent inclusion of Tesmirror and ordered Little Bear Pocket to show cause as to why it should not be found in default for failure to respond to the complaint and the notice of investigation. Order No. 9 (Dec. 19, 2025).

On January 11, 2026, Complainants moved for a summary determination of violation against the seven respondents subject to the show-cause order, and requested the issuance of a GEO, the issuance of CDOs against each respondent, and the imposition of a bond in the amount of one hundred percent (100%) of entered value for infringing articles imported during the period of Presidential review.³ On February 9, 2026, OUII filed a response in support of the motion.⁴

On February 24, 2026, respondents Bydorunce and iFJF moved to terminate the investigation based on the entry of a consent order but did not otherwise appear to challenge the allegations against them in the complaint. On February 27, 2026, OUII filed a response supporting the motion to terminate the investigation with respect to those parties. On March 6, 2026, Complainants filed a response supporting the motion. On March 11, 2026, the CALJ terminated the investigation with respect to those two respondents based on respective consent orders. Order No. 17 (Mar. 11, 2026), *unreviewed by Comm'n Notice* (Mar. 30, 2026).

On February 25, 2026, the CALJ found the four Defaulting Respondents (*i.e.*, Koofang, RVGIVE, Little Bear Pocket, and VISVIC), in default for failing to respond to the show-cause

³ See ARPC LLC and Paul N Unmack Memorandum of Points and Authorities in Support of Its Motion for Summary Determination of Violations by the Defaulting Respondents, for the Existence of a Domestic Industry, for a General Exclusion Order, and for a Recommended Determination on Remedy and Bonding (Jan. 12, 2026) (“SD Mot.”).

⁴ See The Commission Investigative Staff’s Response to Complainants ARPC LLC and Paul N. Unmack’s Motion for Summary Determination of Violation by the Defaulting Respondents and for a Recommended Determination on Remedy and Bonding (Feb. 9, 2026).

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order. Order No. 16 (Feb. 25, 2026), *unreviewed by* Comm’n Notice (Mar. 20, 2026). The CALJ also declined to find HKDAUTOTECH in default because Complainants could not establish that the show-cause order was served on HKDAUTOTECH.

On March 6, 2026, Complainants moved to terminate the investigation with respect to HKDAUTOTECH based on a partial withdrawal of the complaint. On March 12, 2026, OUII filed a response in support of the motion. On March 24, 2026, the CALJ granted the motion and terminated HKDAUTOTECH from the investigation. Order No. 19 (Mar. 24, 2026), *unreviewed by* Comm’n Notice (Apr. 15, 2026).

On May 21, 2026, the CALJ issued the subject SD granting the motion for summary determination of violation. Specifically, the SD found that: (1) the importation requirement is satisfied for all Defaulting Respondents; (2) all Defaulting Respondents’ accused products infringe claims 1, 4, 6, and 10 of the ’360 patent; (3) the asserted domestic industry product satisfies claims 1, 4, 6, and 10 of the ’360 patent; and (4) the economic prong of the domestic industry requirement is satisfied under both subsection 337(a)(3)(A) and (B). The CALJ recommended that the Commission issue a GEO, CDOs against each Defaulting Respondent, and set a bond in the amount of one hundred percent (100%) of entered value for infringing articles imported during the period of Presidential review.

While no party petitioned for review of the SD, on July 6, 2026, the Commission determined to review the SD’s findings on the economic prong of the domestic industry requirement. 91 Fed. Reg. 42249-51 (July 8, 2026). The Commission requested the parties to brief the issues of remedy, the public interest, and bonding, noting that the issue concerning the economic prong of the domestic industry requirement was adequately presented in the parties’ filings. *Id.* at 42250.

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On July 19, 2026, Complainants filed their initial submission in response to the Commission’s request for briefing.⁵ On July 20, 2026, OUII filed its initial submission in response to the Commission’s request for briefing.⁶ On July 27, 2026, OUII filed its reply submission.⁷

III. STANDARD ON REVIEW

When the Commission reviews an initial determination, in whole or in part, it reviews the determination *de novo*. *Certain Electronic Stud Finders, Metal Detectors and Electrical Scanners*, Inv. No. 337-TA-1221, Comm’n Op. at 9 (Feb. 15, 2022) (citations omitted), *aff’d*, *Zircon Corp. v. Int’l Trade Comm’n*, 101 F.4th 817 (Fed. Cir. 2024). With respect to the issues under review, “the Commission may affirm, reverse, modify, vacate, or remand for further proceedings, in whole or in part, the initial determination of the administrative law judge.” 19 C.F.R. § 210.45(c). The Commission also “may make any finding or conclusions that in its judgment are proper based on the record in the proceeding.” *Id.*; *see also Beloit Corp. v. Valmet Oy*, 742 F.2d 1421, 1423 (Fed. Cir. 1984).

IV. ANALYSIS

As discussed above, the Commission determined on its own initiative to review the SD’s findings on the economic prong of the domestic industry requirement. The Commission’s modification to the SD is set forth below. The Commission did not review the SD’s remaining

⁵ See Complainant’s Submission on Remedy, the Public Interest, and Bonding (“Compl. Sub.”).

⁶ See Submission of Unfair of Import Investigations on Remedy, the Public Interest, and Bonding (“OUII Sub.”).

⁷ See Reply Brief of the Office of Unfair of Import Investigations on Remedy, the Public Interest, and Bonding (“OUII R. Sub.”). Complainants did not file a reply.

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findings, conclusions, and supporting analysis, which are affirmed and adopted, including the SD's finding that Complainants established by substantial, reliable, and probative evidence that Defaulting Respondents' accused products infringe the asserted claims of the '360 patent.

A. Economic Prong of the Domestic Industry Requirement

When a section 337 investigation is based on allegations of patent infringement, the complainant must show that “an industry in the United States, relating to the articles protected by the patent . . . exists or is in the process of being established.” 19 U.S.C. § 1337(a)(2). An industry is “considered to exist if there is in the United States, with respect to the articles protected by the patent . . . concerned —

(A) significant investment in plant and equipment;

(B) significant employment of labor or capital; or

(C) substantial investment in its exploitation, including engineering, research and development, or licensing.” 19 U.S.C. § 1337(a)(3). The Federal Circuit has held that “[a] finding of domestic industry cannot hinge on a threshold dollar value or require a rigid formula; rather, the analysis requires a holistic review of all relevant considerations that is very context dependent.” *Wuhan Healthgen Biotechnology Corp. v. U.S. Int’l Trade Comm’n*, 127 F.4th 1334, 1339 (Fed. Cir. 2025). A complainant has the burden of proof to establish the economic prong of domestic industry requirement. *Zircon Corp. v. U.S. Int’l Trade Comm’n*, 101 F.4th 817, 826 (Fed. Cir. 2024).

1. The SD

The SD concluded that Complainants satisfied the economic prong of the domestic industry requirement under both sections 337(a)(3)(A) and 337(a)(3)(B). SD at 36. Under section 337(a)(3)(A), the SD found that, between 2020 and 2024, [REDACTED] on plant and equipment—“vehicle expenses, shop equipment, telephone/internet and web hosting

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expense, and other hardware (computer and video camera).” *Id.* at 39. Under 337(a)(3)(B), the SD found that, between 2020 and 2024, [REDACTED] on labor and capital— [REDACTED] manufacturing labor costs for two engineers [REDACTED] on other labor and capital for “advertising, shipping, product insurance, and trade show expenses.” *Id.* at 39-40.

The SD concluded that Complainants’ plant/equipment and labor/capital investments were both significant. *Id.* at 40. The SD reasoned that:

- “the Domestic Industry Product is 100% manufactured in the United States;”
- “[a]ll related activities such as testing, warehousing, shipping, marketing, advertising, and customer support also take place in Montana;” and
- “the entire development of the Domestic Industry Product, including the research and prototyping that led to the claimed inventions of the asserted ’360 patent, were performed entirely by Complainants in Montana.”

Id. at 40-41. Accordingly, the SD concluded that [REDACTED]

[REDACTED]
[REDACTED] for labor and capital for the period spanning 2020-2024 is significant in the context of the record of this investigation.” *Id.*

2. Commission Determination

The Commission has determined to affirm the SD’s finding that Complainants established the economic prong of the domestic industry requirement under section 337(a)(3)(B) based on the labor of ARPC LLC’s two partners, who personally devoted their efforts over two decades to invent the technology of the asserted patent, and to design, develop, prototype, assemble, test, produce, and commercialize their Fridge Defend product (“DI Product”). The Commission has determined to take no position on domestic industry under section 337(a)(3)(A)

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and determined not to reach the SD's findings under section 337(a)(3)(B) with respect to the other expenditures including "advertising, shipping, product insurance, and trade show expenses." *Beloit*, 742 F.2d at 1423.

Complainants' domestic industry involves the domestic design, development, assembly, testing, sales, and shipping of the Fridge Defend DI product, which is a controller that provides protective safety features and diagnostics for absorption refrigerators commonly found on recreational vehicles. CX-0014C (2nd Corrected Unmack Decl.) at ¶¶ 2-3. Complainant ARPC LLC consists of two partners, who are engineers—a mechanical/machine design engineer and co-Complainant Paul N. Unmack, who is a systems control engineer. *Id.* at ¶¶ 1-2. ARPC LLC has no other employees, and all work is performed in the United States by its two partners. *Id.* at ¶ 6. ARPC LLC's headquarters is located in Butte, Montana, *id.* at ¶ 1, at what appears to be an approximately 1,000 sq. ft. residential home. Complainants began development of the DI product in 2006 and have been consistently investing in the product since then. *Id.* at ¶¶ 9-38.

Complainants presented evidence showing that from 2020-2024, [REDACTED] [REDACTED] in the employment of labor, as calculated by the value using [REDACTED] [REDACTED]. CX-0014C at ¶¶ 32-37. The Commission finds that Complainants reasonably calculated the labor value [REDACTED] [REDACTED]. Complainants' labor is significant because it occurred entirely in the United States and was sufficient to, *inter alia*: (1) design and develop six (6) major versions of the DI Products; (2) assemble the DI Products; (3) test the DI Products; and (4) provide customer service for the DI products. CX-0014 at ¶¶ 8-38. Moreover, the dollar value of this labor investment was [REDACTED] total expenditures for the DI Products in each year from 2020-2024. *Id.* at ¶¶ 32-37. The Commission finds this investment

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significant and thus affirms the SD's finding on modified reasoning to conclude that Complainants have established the economic prong of domestic industry under 337(a)(3)(B) based upon their labor investments. *See, e.g., Wuhan*, 127 F.4th at 1339; *Certain Urine Splash Guards and Components Thereof*, Inv. No. 337-TA-1430, Comm'n Op. at 7 (Mar. 25, 2026).⁸

B. Remedy, Public Interest, and Bonding

Where a violation of section 337 has been found, the Commission must consider the issues of remedy, the public interest, and bonding for imports entered into the United States during the 60-day Presidential review period. 19 U.S.C. §§ 1337(d), (g), (j).

1. Remedy

The Commission has "broad discretion in selecting the form, scope, and extent of the remedy." *Philip Morris Products S.A. v. Int'l Trade Comm'n*, 63 F.4th 1328, 1339-1340 (Fed. Cir. 2023); *Viscofan, S.A. v. U.S. Int'l Trade Comm'n*, 787 F.2d 544, 548 (Fed. Cir. 1986).

a. General Exclusion Order

Section 337(g)(2) provides for issuance of a GEO in cases involving defaulting respondents. When respondents in an investigation are found in default, the Commission issues a GEO excluding all infringing goods regardless of source under subsection 337(g)(2) when three conditions are met:

- (A) no person appears to contest an investigation concerning a violation of the provisions of this section,
- (B) such a violation is established by substantial, reliable, and probative evidence, and

⁸ The only foreign aspect of Complainants' business is their use of foreign contract manufacturing to assemble domestically-purchased components on circuit boards, and Complainants estimate that such foreign expenditures constitute twenty-five percent (25%) of manufacturing costs. SD Mot. at 133; *see* CX-0014 at ¶ 24. These costs would be a small fraction of the asserted labor investments, and this is consistent with the ID's finding of significance.

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(C) the requirements of subsection (d)(2) of this section are met.

19 U.S.C. § 1337(g)(2).

The requirements of section 337(d)(2), state:

(A) a general exclusion from entry of articles is necessary to prevent circumvention of an exclusion order limited to products of named persons; or

(B) there is a pattern of violation of this section and it is difficult to identify the source of infringing products.”

19 U.S.C. § 1337(d)(2). A GEO may issue when either prong of section 337(d)(2) is satisfied.

Certain Toner Cartridges and Components Thereof, Inv. No. 337-TA-740, Comm’n Op. at 6 (Oct. 5, 2011).

Based on the record evidence and the submissions of OUII and Complainants discussed below, the Commission finds that the record evidence shows a widespread pattern of violation of infringement of the asserted claims of the ’360 patent and that it is difficult to identify the source of the infringing products. In addition, the Commission determined not to review the ID’s findings that the respondents defaulted, and the complainants established a violation by substantial, reliable, and probative evidence. *See* 91 Fed. Reg. 42249-51 (July 8, 2026). Thus, the Commission has determined to issue a GEO under 19 U.S.C. § 1337(g)(2) and (d)(2)(B) as discussed below.

i. Section 337(d)(2)(B) — Widespread Pattern of Violation and Difficulty Identifying Source of Infringing Products

(A) Widespread Pattern of Violation

The RD found a widespread pattern of violation with respect to the ’360 patent. SD/RD at 43. Specifically, the RD found that “there are hundreds of products available for purchase in the United States that are not authorized by Complainants.” *Id.* The RD noted that “a significant number of entities, separate from the ten respondents identified in the Notice of Investigation,

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were offering for sale and selling infringing products through online marketplaces such as Amazon, Alibaba, Walmart and eBay.” *Id.* (citing SD Mot. at 163 (citing Compl. Ex. 2 (eBay Seller Anonymity) ¶ 2). These entities the RD found, “use the name and part number of the Complainants’ Domestic Industry Product to advertise their unauthorized products.” *Id.* As an example, the RD pointed to evidence that a “vendor on Amazon uses the name of Complainants’ Domestic Industry Product (‘arp fridge defend’) as an optimized search term ‘to direct customers to the accused infringing product advertised on Amazon.com’” *Id.* (citing SD Mot. at 162-63 (citing Compl. Ex. 4 (Search Fridge Defend))). As another example, the RD observed that sellers on eBay “use Complainants’ part number for the Domestic Industry Product (‘637360’) in 600 listings for unauthorized products.” *Id.* (citing SD Mot. at 163 (citing Compl. Ex. 2 (eBay Seller Anonymity))). The RD thus concluded that there is a widespread pattern of violation. The record evidence provides ample support for the RD’s finding.

(B) Difficulty Identifying the Source of Infringing Products

The record evidence also shows that it is difficult to identify the source of the infringing products. SD/RD at 43. The evidence shows that “infringing products purchased on Amazon and which were marked ‘Made in China’ came in product packaging that lacked a return address, thus preventing identification of the exact Chinese company that made the product.” *Id.* at 44 (citing SD Mot. at 164 (citing Compl. Exs. 11A-11F)). The evidence further shows that “for infringing products purchased from Walmart, the return addresses hide the name of the Chinese companies that manufactured the products, and instead show the names WIN.IT and US ELOGISTICS SERVICE, which are businesses that warehouse products for online resellers including Walmart.” *Id.* (citing SD Mot. at 164-65 (citing Compl. Exs. 11G-11J)). The RD also observed “examples of entities using complex business arrangements to evade tracking.” *Id.*

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The RD pointed to named respondent Wang Hai Ping, which was terminated from this investigation based on withdrawal of allegations in the complaint because neither the Commission nor Complainants were able to serve Wang Hai Ping with the complaint and notice of investigation. *Id.* at 45 (citing Order No. 10). The RD found that “Wang Hai Ping was able to evade service by the Commission and Complainants by changing its business name (by rearranging the order of words) and the address (by changing the room, building, street, and district).” *Id.* (citing SD Mot. at 160-61). Against this background, the Commission agrees with the RD that there is difficulty in identifying the source of the infringing products.

ii. Requirements of 19 U.S.C. § 1337(g)(2)

The heightened requirements of section 337(g)(2) have also been satisfied. First, no respondent appeared to contest this investigation—all respondents have either been found in default or else, in the case of the Wuhu Respondents, were terminated from the investigation on the basis of a consent order without ever appearing to contest the investigation. Second, the Commission determined not to review the SD’s finding that Complainants submitted substantial, reliable, and probative evidence to establish that Defaulting Respondents are involved in “[t]he importation into the United States, the sale for importation, or the sale within the United States after importation by the owner, importer, or consignee, of articles” that infringe the asserted claims of the ’360 patent. Third, the Commission has determined to affirm the SD’s finding that Complainants established the existence of a domestic industry. Thus, all the elements necessary to meet the requirements of 337(g)(2) have been satisfied.

iii. Issuance of GEO

The Commission has therefore determined to issue a GEO under 19 U.S.C. §§ 1337(g)(2), (d)(2)(B) as to certain boiler protection for absorption refrigeration systems and components thereof that infringe claims 1, 4, 6, and 10 of the ’360 patent. As reflected in the

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GEO issued herewith, the Notice of Investigation’s plain language description of the accused products or category of accused products in this investigation states “RV refrigerator boiler protection and their components and accessories.” 90 Fed. Reg. 26066-67 (Jun. 18, 2026). The Commission notes that “an Accused Product sold as a kit includes the temperature monitoring controller, a splash cover, wire connectors, and a thermocouple/temperature sensor.” OUII Sub. at 14; Complaint, Ex. 11A; SD Mot. at 20-21, 23. The Commission notes that the only components and/or accessories identified by Complainant were: (1) the temperature monitoring controller; and (2) the temperature sensor. Compl. Sub. at 12; OUII Sub. at 14; OUII R. Sub. at 3; SD Mot. at 16-17, 23, 38, 52, 67, 82, 96; OUII’s Response to Complainants’ SD Mot. at 12-13. The Commission, however, did not separately adjudicate stand-alone components or accessories.

b. Cease and Desist Orders

Section 337(g)(1) provides for the issuance of a CDO against a named respondent as a remedy for violation of section 337 in default situations when that respondent fails to respond to the complaint and notice of investigation that was filed against, and served on, the respondent and fails to show good cause why it failed to respond, and the complainant requests the issuance of a CDO directed to that respondent. 19 U.S.C. § 1337 (g)(1). All of these requirements are met here as to each Defaulting Respondent.

CDOs are generally issued when, with respect to the imported infringing products, respondents maintain commercially significant inventories in the United States or have significant domestic operations that could undercut the remedy provided by an exclusion order. *See, e.g., Certain Tobacco Heating Articles and Components Thereof*, Inv. No. 337-TA-1199, Comm’n Op. at 49 (Sept. 29, 2021), *aff’d*, *Philip Morris Products S.A.*, 63 F.4th at 1332; *Certain Audio Players and Controllers, Components Thereof, and Products Containing Same*, Inv. No.

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337-TA-1191, Comm’n Op. at 26 (Jan. 6, 2022), *aff’d*, *Sonos, Inc. v. Int’l Trade Comm’n*, 2024 WL 1507605 (Fed. Cir. Apr. 8, 2024). Complainants bear the burden on this issue.

The Commission often presumes the presence of domestic inventories with defaulters, but the Commission has generally declined to automatically presume the presence of domestic inventories and issue CDOs directed to foreign entities. *See, e.g., Certain Elec. Skin Care Devices, Brushes and Chargers Therefor, and Kits Containing the Same*, Inv. No. 337-TA-959, Comm’n Op. at 28-29 (Feb. 13, 2017). “Rather, the Commission has examined whether the facts alleged in the complaint and any other record evidence support the inference that the foreign defaulting respondent or its agents maintains a commercially significant inventory and/or engages in significant commercial operations in the United States.” *Certain Earpiece Devices and Components Thereof*, Inv. No. 337-TA-1121, Comm’n Op. at 29 (Nov. 8, 2019). All four Defaulting Respondents, Koofang, RVGIVE, Little Bear Pocket, and VISVIC, are foreign entities.

The CALJ recommended issuance of CDOs against each of the four Defaulting Respondents. OUII supports issuance of CDOs. OUII Sub. at 18-20. As to Koofang, RVGIVE, and Little Bear Pocket, the RD found that their accused products “were shipped by Amazon in Amazon packaging after being purchased online at Amazon.com,” and that “Amazon’s advertisements for each product states that the purchaser can ‘Get Fast, Free Shipping with Amazon Prime,’ which, together with the packaging, suggests that Amazon has an inventory of these products in a warehouse in the United States.” SD/RD at 47 (citing Compl. ¶¶ 61, 64, 66; Compl. Exs. 11A, 12A (Koofang), 10D, 12D (RVGIVE), and 10F, 11F (Little Bear Pocket)). We agree with the RD that this “constitutes circumstantial evidence showing that these three foreign Defaulting Respondents and/or their agent Amazon “maintain[] a commercially

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significant inventory and/or engages in significant commercial operations in the United States” such that a CDO is appropriate as to each of these Defaulting Respondents. *Certain Pillows and Seat Cushions, Components Thereof, and Packaging Thereof*, Inv. No. 337-TA-1328, Comm’n Op. at 10 (Nov. 13, 2023).

As to Defaulting Respondent VISVIC, while the evidence shows that its accused product was shipped from outside the United States, the record evidence shows that it advertises infringing products inside the United States, including on the platform Walmart.com and has sold and shipped infringing products to a buyer inside the United States in response to such advertising. SD/RD at 48 (citing Compl. Ex. 12I). As the RD found, the Commission has in the past issued CDOs to prohibit such activity. *Certain Pillows and Seat Cushions, Components Thereof, and Packaging Thereof*, Inv. No. 337-TA-1328, Comm’n Op. at 10.

In view of the above, the Commission has determined to issue a CDO against each of the four Defaulting Respondents.

2. The Public Interest

Section 337 authorizes the Commission, upon finding a violation of section 337, to issue remedial orders “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), (g)(1).

The CALJ was not directed by the Commission to take evidence or hear arguments from the parties regarding the public interest factors. Complainants and OUII submit that none of the statutory public interest factors weigh against the entry of relief in this investigation.

Respondents did not file any submission addressing the public interest factors. The Commission

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requested comments from the public on the public interest but did not receive any submissions from the public. *See* 91 Fed. Reg. 33194-95 (June 3, 2026).

a. Public Health and Welfare

The Commission finds that there is no information in the record to indicate that the remedial orders will have any impact on public health and welfare. OUII notes that the products at issue in this investigation, electro-mechanical products in a relatively narrow market space, specifically RV refrigerator boiler protection systems and their components and accessories, are not likely to raise public health and welfare concerns. *See* OUII Sub. at 22 (citing Complaint, ¶ 46).

b. Competitive Conditions in the United States

The Commission also finds that issuing remedial orders will not adversely impact competitive conditions in the United States. Complainants assert that “[they have] stock on hand and [have] the ability and capacity to replace the sale of protective controllers subject to exclusion in a commercially reasonable time in the United States (U.S.),” and that they have “been providing the Fridge Defend [the DI product] as Complainant’s sole product for 11 years without difficulty due to a short lead time for production of the product.” Complainants’ Statement on the Public Interest at 4-5, EDIS Doc. ID 851167; *See* OUII Sub. at 22.

c. The Production of Like or Directly Competitive Articles in the United States

Based on the record presented, the Commission finds that the requested relief would not adversely affect the production of like or directly competitive articles in the United States. There is no evidence of the production of like or directly competitive articles in the United States (except for those of Complainants). *See* OUII Sub. at 23.

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d. United States Consumers

The Commission finds that there is no evidence in the record that remedial orders will adversely affect U.S. consumers. *See* OUII Sub. at 23. As noted above, the record supports that complainants are able to supply domestic demand for the subject products and as such, there is no indication that consumers will be unable to obtain these products in the United States.

In view of the above, the Commission finds that none of the statutory public interest factors weigh against the entry of relief in this investigation.

3. Bonding

If the Commission enters an exclusion order or a CDO, a respondent may continue to import and sell its products during the 60-day period of Presidential review under a bond in an amount determined by the Commission to be “sufficient to protect the complainant from any injury.” 19 U.S.C. § 1337(j)(3); *see also* 19 C.F.R. § 210.50(a)(3). When reliable price information is available in the record, the Commission has often set the bond in an amount that would eliminate the price differential between the domestic product and the imported, infringing product. *See Tobacco Heating Articles*, Comm’n Op. at 77 (citations omitted). The Commission also has used a reasonable royalty rate to set the bond amount where a reasonable royalty rate could be ascertained from the evidence in the record. *See, e.g., id.* Where the record establishes that the calculation of a price differential is impractical or there is insufficient evidence in the record to determine a reasonable royalty, the Commission has imposed a bond of one hundred percent (100%). *See, e.g., id.*

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The CALJ recommended that the Commission set a bond in the amount of one hundred percent (100%) of entered value for infringing products imported during the period of Presidential review. SD/RD at 50. The RD stated that because none of the Defaulting Respondents participated in the investigation, Complainants could not obtain information on pricing and royalty to inform a bond rate, and in the absence of such information, a bond in the amount of one hundred percent (100%) of entered value is appropriate. Moreover, the pricing information available on Amazon is insufficient for the Commission to adequately ascertain a price differential.

The Commission thus agrees with the RD's recommendation and sets the bond in the amount of one hundred percent (100%) of entered value for infringing products imported during the period of Presidential review.

V. CONCLUSION

For the reasons set forth herein, the Commission has determined that Complainants have established a violation of section 337 with respect claims 1, 4, 6, and 10 of the '360 patent and that the appropriate remedy is a GEO. The Commission also has determined to issue CDOs as to each of the four Defaulting Respondents. The Commission has further determined that the public interest does not preclude these remedies, and the bond during the period of Presidential review is set in the amount of one hundred percent (100%) of entered value for imported infringing products.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', enclosed within a rectangular box.

Lisa R. Barton
Secretary to the Commission

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