

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C. 20436

In the Matter of

**CERTAIN ELECTRIC FIREPLACES,
COMPONENTS THEREOF, MANUALS FOR
SAME, CERTAIN PROCESSES FOR
MANUFACTURING OR RELATING TO SAME
AND CERTAIN PRODUCTS CONTAINING
SAME**

Inv. No. 337-TA-791/826
(Consolidated)

LIMITED EXCLUSION ORDER

The Commission has previously found Mr. Yue Qiu Sheng (“Mr. Yue”) and his company Shenzhen Reliap Industrial Co. (“Reliap”) (collectively, “Respondents”), both of Shenzhen, China, in default under Commission Rule 210.17(d), 19 C.F.R. § 210.17(d). *77 Fed. Reg.* 58147 (Sept. 19, 2012). The consolidated investigation was based on two complaints filed by Twin-Star International, Inc. of Delray Beach, Florida and TS Investment Holding Corp. of Miami, Florida (collectively, “Complainant” or “Twin-Star”) that alleged a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. § 1337) in the unlawful importation, sale for importation and sale after importation of electric fireplaces, components thereof, manuals for same, processes for manufacturing or relating to same, and products containing same (collectively, the “Accused Products”), that are manufactured abroad by or for, or imported by or for, Mr. Yue or Reliap, by reason of infringement of U.S. Copyright Nos. TX0007350474; TX0007350476; VA0001772660; and VA0001772661; and by reason of misappropriation of trade secrets, breach of contract, and tortious interference with contract, the threat or effect of which is to destroy or substantially injure an industry in the United States. The Commission found a violation based on: (1) the use of misappropriated trade secrets (“the Twin-Star Trade

Secrets”) asserted in this investigation; and/or (2) infringement of one or more of U.S. Copyright Nos. TX0007350474, TX0007350476, VA0001772660, and VA0001772661 (the “Twin-Star Copyrights”) asserted in this investigation.

Having reviewed the record in this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that the appropriate form of relief is a limited exclusion order prohibiting the entry of unlicensed Accused Products manufactured abroad by or on behalf of or imported by or on behalf of Mr. Yue or Reliap, or by any of their affiliated companies or other related business entities, or their successors or assigns, or by the parents or subsidiaries of Reliap or their successors or assigns, using the Twin-Star Trade Secrets and/or that infringe one or more of the Twin-Star Copyrights.

The Commission has further determined that the public interest factors enumerated in 19 U.S.C. § 1337(d) do not preclude issuance of the limited exclusion order. Finally, the Commission has determined that the bond during the Presidential review period shall be in the amount of 145 percent of the entered value of the Accused Products.

Accordingly, the Commission hereby ORDERS that:

1. Electric fireplaces, components thereof, manuals for same, and products containing same that are manufactured abroad by or on behalf of or imported by or on behalf of Mr. Yue or Reliap, or by any of their affiliated companies or other related business entities, or their successors or assigns, or by the parents or subsidiaries of Reliap or their successors or assigns, using any of the Twin-Star Trade Secrets, are excluded from entry for consumption into the United States, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption for a period of five (5) years from the effective date of this order,

except under license of the owner of the Twin-Star Trade Secrets, or as provided by law.

2. Electric fireplaces, components thereof, manuals for same, and products containing same that infringe one or more of U.S. Copyright Nos. TX0007350474; TX0007350476; VA0001772660; and VA0001772661, and that are manufactured abroad by or on behalf of or imported by or on behalf of Mr. Yue or Reliap, or by any of their affiliated companies or other related business entities, or their successors or assigns, or by the parents or subsidiaries of Reliap or their successors or assigns, are excluded from entry for consumption into the United States, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption, for the remaining terms of the copyrights, except under license of the owner of the copyrights, or as provided by law.

3. Products that are excluded by one or more of paragraphs 1-2 of this Order are entitled to entry for consumption into the United States, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, under bond in the amount of 145 percent of the entered value of the product in question, from the day after this Order is received by the United States Trade Representative, *70 Fed. Reg.* 43251 (July 21, 2005), until such time as the United States Trade Representative notifies the Commission that this action is approved or disapproved but, in any event, not later than sixty (60) days after the date of receipt of this action.

4. At the discretion of U.S. Customs and Border Protection (“CPB”) and pursuant to procedures it establishes, persons seeking to import electric fireplaces, components thereof, manuals for same, and products containing same that are potentially subject to this Order may be required to certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the

products being imported are not excluded from entry under paragraphs 1-2 of this Order. At its discretion, CBP may require persons who have provided the certification described in this paragraph to furnish such records or analyses as are necessary to substantiate the certification.

5. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to electric fireplaces, components thereof, manuals for same, and products containing same that are imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.

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

7. The Commission Secretary shall serve copies of this Order upon each party of record in this investigation and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and U.S. Customs and Border Protection.

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

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton', with a large, stylized flourish at the end.

Lisa R. Barton
Acting Secretary to the Commission

Issued: May 1, 2013

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THEREOF, MANUALS FOR SAME, CERTAIN PROCESSES
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337-TA-826
(Consolidated)**

CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served by hand upon the Commission Investigative Attorney, Anne Goalwin, Esq., and the following parties as indicated, on **May 1, 2013**



Lisa R. Barton, Acting Secretary
U.S. International Trade Commission
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For Complainants:

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