

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN PERCUSSIVE MASSAGE
DEVICES**

Investigation No. 337-TA-1206

**NOTICE OF A COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION FINDING CERTAIN RESPONDENTS IN DEFAULT**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (“Commission”) has determined not to review an initial determination (“ID”) (Order No. 17) of the presiding administrative law judge (“ALJ”), finding respondents Kinghood International Logistics Inc. (“Kinghood”), Manybo Ecommerce Ltd. (“Manybo”), Shenzhen Infein Technology Co., Ltd. (“Shenzhen Infein”), Hong Kong Yongxu Capital Management Co., Ltd. (“Hong Kong Yongxu”), and Kula eCommerce Co., Ltd. (“Kula”) (collectively, “the Defaulting Respondents”) in default.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, D.C. 20436, telephone 202-205-2392. 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. 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: The Commission instituted this investigation on July 22, 2020, based on a complaint filed on behalf of Hyper Ice, Inc. (“Hyper Ice”) of Irvine, California. 85 FR 44322 (July 22, 2020). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain percussive massage devices by reason of infringement of certain claims of U.S. Patent No. 10,561,574; U.S. Design Patent No. D855,822; and U.S. Design Patent No. D886,317. The complaint further alleges that a domestic industry exists. The Commission’s notice of investigation named nineteen respondents including Kinghood of La Mirada, California; Manybo and Hong Kong Yongxu, both of Hong Kong; and Shenzhen Infein and Kula, both of Guangdong, China. The notice of investigation also names the Office of Unfair Import Investigations (“OUII”) as a party. On October 16, 2020, the Commission determined not to review an ID

(Order No. 11) granting motions to intervene by third parties Shenzhen Xinde Technology Co., Ltd. and Yongkang Aijiu Industrial & Trade Co., Ltd. in the investigation.

On November 17, 2020, Complainant Hyper Ice moved pursuant to 19 CFR 210.16 for: (1) an order directing the Defaulting Respondents to show cause why they should not be found in default for failing to respond to the complaint and notice of investigation; and (2) an ID finding the Defaulting Respondents in default upon their failure to show cause. *See* Order No. 15 at 1-2 (Dec. 2, 2020). Each of these respondents were served with the complaint and notice of investigation. *Id.* at 2. OUII filed a response in support of the motion. *Id.* at 1. No other response was filed.

On December 2, 2020, the ALJ issued Order No. 15 requiring the Defaulting Respondents to show cause, no later than December 16, 2020, as to why they should not be held in default for failing to respond to the complaint and notice of investigation. *Id.* at 1-2. No response to Order No. 15 was received from any of the respondents. *See* Order No. 17 at 1 (Dec. 17, 2020).

On December 17, 2020, the ALJ issued the subject ID (Order No. 17) finding the Defaulting Respondents in default pursuant to 19 CFR 210.16, for failure to respond to the complaint and notice of investigation. *Id.* at 2. No petitions for review were filed.

The Commission has determined not to review the subject ID. Respondents Kinghood, Manybo, Shenzhen Infein, Hong Kong Yongxu, and Kula have been found in default.

While temporary remote operating procedures are in place in response to COVID-19, the Office of the Secretary is not able to serve parties that have not retained counsel or otherwise provided a point of contact for electronic service. Accordingly, pursuant to Commission Rules 201.16(a) and 210.7(a)(1) (19 CFR 201.16(a), 210.7(a)(1)), the Commission orders that the Complainant complete service for any party without a method of electronic service noted on the attached Certificate of Service and shall file proof of service on the Electronic Document Information System (EDIS).

The Commission vote for this determination took place on January 5, 2021.

The authority for the Commission's determination is contained in 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.



Lisa R. Barton
Secretary to the Commission

Issued: January 5, 2021