

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

**In the Matter of**

**CERTAIN INSULATED BEVERAGE  
CONTAINERS, COMPONENTS,  
LABELS, AND PACKAGING  
MATERIALS THEREOF**

**Investigation No. 337-TA-1084**

**LIMITED EXCLUSION ORDER**

The Commission has previously found respondents Huizou Dashu Trading Co., Ltd., of Huizou City, China (“Huizou Dashu”), and Huagong Trading Co., Ltd., of Huagong Trading Co., Ltd. of Wangshizhuang, China (“Huagong”), (collectively, “Respondents”) in default for failing to respond to a Notice of Investigation and a Complaint that alleged a violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337), with respect to the unlawful importation into the United States, sale for importation into the United States, and sale within the United States after importation of certain insulated beverage containers, components, labels, and packaging materials thereof that infringe one or more of U.S. Design Patent No. D752,397; U.S. Design Patent No. D780,533; U.S. Design Patent No. D781,146; U.S. Design Patent No. D784,775; U.S. Copyright Registration No. VA 1-974-722; U.S. Copyright Registration No. VA 1-974-732, U.S. Copyright Registration No. VA 1-974-735; U.S. Trademark Registration No. 5,233,441; and U.S. Trademark Registration No. 4,883,074.

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 unlicensed entry of infringing insulated beverage containers, components,

labels, and packaging materials thereof that are made by or for and/or sold by or for Respondents or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns.

The Commission has determined that the public interest factors enumerated in 19 U.S.C. § 1337(g)(1) do not preclude issuance of the limited exclusion order, and that the bond during the period of Presidential review shall be in the amount of one hundred (100) percent of the entered value of the articles in question.

Accordingly, the Commission hereby ORDERS that:

1. Insulated beverage containers, components, labels, and packaging materials thereof that infringe one or more of U.S. Design Patent Nos. D752,397 and D780,533, and that are manufactured abroad by or on behalf of, or are imported by or on behalf of, Respondents or any of their affiliated companies, parents, subsidiaries, or other related business entities, or its successors or assigns (“covered articles”), 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 term of the design patents, except under license of the patent owner or as provided by law.

2. Insulated beverage containers, components, labels, and packaging materials thereof that infringe one or more of U.S. Design Patent Nos. D781,146 and D784,775, that are manufactured abroad by or on behalf of, or are imported by or on behalf of, Huagong Trading Co., Ltd. or any of its affiliated companies, parents, subsidiaries, or other related business entities, or its successors or assigns (“covered articles”), 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 term of the design patents, except under license of the patent owner or as provided by law.

3. Insulated beverage containers, components, labels, and packaging materials thereof that infringe one or more of U.S. Copyright Registration Nos. VA 1-974-722, VA 1-974-732, and VA 1-974-735, and that are manufactured abroad by or on behalf of, or are imported by or on behalf of, Respondents or any of their affiliated companies, parents, subsidiaries, or other related business entities, or its successors or assigns (“covered articles”), 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 term of the copyrights, except under license of the patent owner or as provided by law.

4. Insulated beverage containers, components, labels, and packaging materials thereof that infringe one or more of U.S. Trademark Registration Nos. 5,233,441 and 4,883,074, or any marks confusingly similar thereto or that are otherwise misleading as to source, origin, or sponsorship, and that are manufactured abroad by or on behalf of, or are imported by or on behalf of, Respondents, or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns (“covered articles”), 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, except under license of the trademark owner or as provided by law, until such date as the trademarks are abandoned, canceled, or rendered invalid or unenforceable

5. For purposes of assisting U.S. Customs and Border Protections (“CBP”) in the enforcement of the Order, and without in any way limiting the scope of the Order, the Commission has attached to this Order copies of the relevant copyright registrations (Exhibit 1) and trademark registrations (Exhibit 2).

6. Notwithstanding paragraphs 1-4 of this Order, the covered articles are entitled to entry into the United States for consumption, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption under bond in the amount of one hundred (100)

percent of the entered value of such articles pursuant to subsection (j) of Section 337 of the Tariff Act, as amended (19 U.S.C. § 1337(j)), and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 Fed. Reg. 43,251), from the day after this Order is received by the United States Representative, and 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 Order by the United States Trade Representative. All entries of covered articles made pursuant to this paragraph are to be reported to CBP, in advance of the date of the entry, pursuant to procedures CBP establishes. Note that this provision does not exempt seizure of infringing articles under the trademark and copyright laws enforced by CBP, most notably 19 U.S.C. § 1526(e) and 19 U.S.C. § 1595a(c)(2)(C) in connection with 15 U.S.C. § 1124, 17 U.S.C. § 506, and 18 U.S.C. §§ 2318 and 2320.

7. At the discretion of CBP and pursuant to the procedures it establishes, persons seeking to import covered articles 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 1-4 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 this certification.

8. In accordance with 19 U.S.C. § 1337(l), the provisions of this Order shall not apply to covered products 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.

9. Complainant shall file a written statement with the Commission, made under oath, each year on the anniversary of the issuance of this Order, or any business day during the week preceding the anniversary, stating whether Complainant continues to use each of the aforesaid



trademarks in commerce in the United States and whether any of the aforesaid trademarks has been abandoned, canceled, or rendered invalid or unenforceable.

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

11. The Secretary shall serve copies of this Order upon each party of record in this investigation and upon CBP.

12. 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 stylized flourish at the end.

Lisa R. Barton  
Secretary to the Commission

Issued: December 13, 2018

# EXHIBIT 1

LIBRARY OF CONGRESS  
*Copyright Office*  
*of the United States*  
WASHINGTON, D.C.

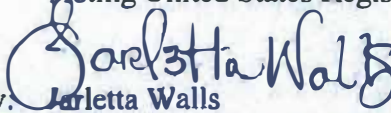
THIS IS TO CERTIFY that the attached color photocopy is a true representation of the work entitled **YETI RAMBLER COLSTER LABEL** deposited in the Copyright Office with claim of copyright registered under VA 1-974-722.

THIS IS TO CERTIFY ALSO, that due to the nature of the work deposited, the attached color photocopy is the best possible electrostatic positive print available.

THIS IS TO CERTIFY FURTHER, that deposits submitted electronically bear no identifying marks.

IN WITNESS WHEREOF, the seal of this Office is affixed hereto on September 13, 2017.

Karyn Temple Claggett  
Acting United States Register of Copyrights and Director

By:   
Jarletta Walls

Supervisory Copyright Specialist  
Records Research and Certification Section  
Office of Public Records and Repositories



Use of this material is governed by the U.S. copyright law 17 U.S.C. 101 et seq.

© 2015 YETI COOLERS, LLC

**GOOD FOR**  
**FISHING**  
**TAILGATES**  
**BBQs**  
**ROAD SODAS**

**KEEP YOUR DRINK**  
**COLD**  
**FOR HOURS**  
**HOLDS:**  


**YETI**  
**COLSTER**  
PART OF THE YETI RAMBLER SERIES  
**THE LAST SIP IS AS COLD AS THE FIRST**

**OVER-ENGINEERED FOR**  
**MAXIMUM INSULATION**  

**Vacuum-seal vacuum insulation**  
**Keeps drinks cold to the last sip.**  

**The "Stow" design keeps fingers**  
**dry and ice-handled.**  

**Made with durable 6061 grade**  
**100% aluminum shell.**

**THERMOLOCK™ GASKET**  
*Three easy steps to frosty drink longevity.*  


- 1) Twist off threaded gasket
- 2) Insert drink and replace gasket
- 3) Repeat as needed



LIBRARY OF CONGRESS

*Copyright Office  
of the United States*

WASHINGTON, D.C.

**THIS IS TO CERTIFY** that the attached color photocopies are a true representation of the work entitled **YETI 20 OZ. RAMBLER TUMBLER LABEL** deposited in the Copyright Office with claim of copyright registered under **VA 1-974-732**.

**THIS IS TO CERTIFY ALSO,** that due to the nature of the work deposited, the attached color photocopies are the best possible electrostatic positive prints available.

**THIS IS TO CERTIFY FURTHER,** that deposits submitted electronically bear no identifying marks.

**IN WITNESS WHEREOF,** the seal of this Office is affixed hereto on September 13, 2017.

Karyn Temple Claggett  
Acting United States Register of Copyrights and Director

By: *Jaletta Walls*  
Jaletta Walls

Supervisory Copyright Specialist  
Records Research and Certification Section  
Office of Public Records and Repositories



Use of this material is governed by the U.S. copyright law 17 U.S.C. 101 et seq.

© 2014 YETI COOLERS, LLC

**FITS COMFORTABLY  
IN YOUR**



**BPA-Free  
(obviously)**



**KEEPS ICE 2X LONGER  
THAN PLASTIC TUMBLERS**

**DOUBLEWALL  
VACUUM  
INSULATED**



**YETI**  
**20 OZ. RAMBLER**  
**KEEPS YOUR DRINK AS COLD AS SCIENCE ALLOWS**

**18/8  
STAINLESS  
STEEL**

**OVER-ENGINEERED FOR  
MAXIMUM ICE RETENTION**

**SWEAT-FREE  
DESIGN**



**GOOD FOR**

**ARNOLD PALMERS  
COLD BEER  
COFFEE**

**PALOMAS  
DRY COUNTIES  
DEER LEASES  
ALL OF ARIZONA**

**ON THE GO**

**FILLED TO THE BRIM WITH SCIENCE**  
We hate when our favorite beverage loses its frosty (or piping hot) goodness before we can fully enjoy it. That's why we over-engineered our Rambler™ beverage container with kitchen-grade 18/8 stainless steel and double-wall vacuum insulation.

**RAMBLER CARE INSTRUCTIONS**

- Do NOT place in dishwasher. Hand wash only in warm, soapy water, and do so before initial use.
- Do NOT use bleach or cleaners containing chlorine to clean.
- Do NOT place in microwave.
- Do NOT place in freezer.

**YETI GUARANTEE**

YETI Rambler™ stainless steel beverage containers are warranted to be free from any defect in workmanship or materials for a period of 5 years, provided they are used according to these instructions. If you have any questions regarding this or any other YETI® product, please call the YETI Outfitter team at 512.394.9384.

**YETI GEAR**

See our full line of YETI Gear at [yeticoolers.com](http://yeticoolers.com)



▲ BOTTLE OPENERS



▲ APPAREL & HATS



LIBRARY OF CONGRESS

*Copyright Office  
of the United States*

WASHINGTON, D.C.

**THIS IS TO CERTIFY** that the attached color photocopies are a true representation of the work entitled **YETI 30 OZ. RAMBLER TUMBLER LABEL** deposited in the Copyright Office with claim of copyright registered under VA 1-974-735.

**THIS IS TO CERTIFY ALSO,** that due to the nature of the work deposited, the attached color photocopies are the best possible electrostatic positive prints available.

**THIS IS TO CERTIFY FURTHER,** that deposits submitted electronically bear no identifying marks.

**IN WITNESS WHEREOF,** the seal of this Office is affixed hereto on September 13, 2017.

Karyn Temple Claggett  
Acting United States Register of Copyrights and Director

By

Janetta Walls

Supervisory Copyright Specialist  
Records Research and Certification Section  
Office of Public Records and Repositories



Use of this material is governed by the U.S. copyright law 17 U.S.C. 101 et seq.





#### FILLED TO THE BRIM WITH SCIENCE

We hate when our favorite beverage loses its frosty (or piping hot) goodness before we can fully enjoy it. That's why we've engineered our Rambler beverage container with kitchen-grade 18/8 stainless steel and double-wall vacuum insulation.

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If you have any questions regarding this or any other YETI product, please call the YETI Outfitter team at 512.394.9384

#### YETI GEAR

See our full line of YETI Gear at [yeticoolers.com](http://yeticoolers.com)



BOTTLE OPENERS



APPAREL & HATS

## **EXHIBIT 2**

7642212



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME;

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

July 17, 2017

THE ATTACHED U.S. TRADEMARK REGISTRATION 5,233,441 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *June 27, 2016*

SAID RECORDS SHOW TITLE TO BE IN:

*YETI COOLERS, LLC*

*A LIMITED LIABILITY COMPANY OF DELAWARE*

By Authority of the  
Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office



*W. Montgomery*  
**W. MONTGOMERY**  
Certifying Officer



# United States of America

United States Patent and Trademark Office

## RAMBLER

**Reg. No. 5,233,441**

**Registered Jun. 27, 2017**

**Int. Cl.: 21**

**Trademark**

**Principal Register**

YETI COOLERS, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
5301 Southwest Parkway, Suite 200  
Austin, TX 78735

CLASS 21: Beverageware; cups; drinking glasses; tumblers for use as drinking vessels; jugs; mugs; temperature-retaining drinking vessels; storage containers for household or domestic use, namely, vacuum container for hot or cold food and drink; beer growlers; insulated food and drink containers; stainless steel tumblers for use as drinking vessels; stainless steel drinking glasses; stainless steel beverageware; drinking straws

FIRST USE 3-31-2014; IN COMMERCE 3-31-2014

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE OR COLOR

OWNER OF U.S. REG. NO. 4831955, 4871725

SER. NO. 86-908,950, FILED 02-16-2016  
NANCY G ULRICH, EXAMINING ATTORNEY



*Joseph Matol*

Performing the Functions and Duties of the  
Under Secretary of Commerce for  
Intellectual Property and Director of the  
United States Patent and Trademark Office

## REQUIREMENTS TO MAINTAIN YOUR FEDERAL TRADEMARK REGISTRATION

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

### Requirements in the First Ten Years\*

#### What and When to File:

- **First Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§ 1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.
- **Second Filing Deadline:** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\* See 15 U.S.C. § 1059.

### Requirements in Successive Ten-Year Periods\*

#### What and When to File:

- You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

### Grace Period Filings\*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the United States Patent and Trademark Office (USPTO). The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. See 15 U.S.C. §§ 1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. See 15 U.S.C. § 1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

**NOTE:** Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

**NOTE:** A courtesy e-mail reminder of USPTO maintenance filing deadlines will be sent to trademark owners/holders who authorize e-mail communication and maintain a current e-mail address with the USPTO. To ensure that e-mail is authorized and your address is current, please use the Trademark Electronic Application System (TEAS) Correspondence Address and Change of Owner Address Forms available at <http://www.uspto.gov>.







7645051



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

August 11, 2017

THE ATTACHED U.S. TRADEMARK REGISTRATION 4,883,074 IS  
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND  
EFFECT WITH NOTATIONS OF ALL STATUTORY ACTIONS TAKEN  
THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES  
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *January 05, 2016*

SAID RECORDS SHOW TITLE TO BE IN:


**YETI COOLERS, LLC**

**A LIMITED LIABILITY COMPANY OF DELAWARE**

By Authority of the

Under Secretary of Commerce for Intellectual Property  
and Director of the United States Patent and Trademark Office



  
P. SWAIN  
Certifying Officer

**United States of America**  
United States Patent and Trademark Office

**COLSTER**

**Reg. No. 4,883,074**

**Registered Jan. 5, 2016**

**Int. Cl.: 21**

**TRADEMARK**

**PRINCIPAL REGISTER**

YETI COOLERS, LLC (DELAWARE LIMITED LIABILITY COMPANY)  
5301 SOUTHWEST PARKWAY, SUITE 200  
AUSTIN, TX 78735

FOR: STAINLESS STEEL DRINK HOLDERS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 11-3-2014; IN COMMERCE 2-1-2015.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR

SN 86-545,224, FILED 2-25-2015.

HANNA CHO, EXAMINING ATTORNEY



*Michelle K. Lee*  
Director of the United States  
Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL  
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE  
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

**Requirements in the First Ten Years\***  
**What and When to File:**

***First Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. See 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

***Second Filing Deadline:*** You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date.\*  
See 15 U.S.C. §1059.

**Requirements in Successive Ten-Year Periods\***  
**What and When to File:**

You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.\*

**Grace Period Filings\***

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

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**CERTAIN INSULATED BEVERAGE CONTAINERS,  
COMPONENTS, LABELS, AND PACKAGING MATERIALS  
THEREOF**

**Inv. No. 337-TA-1084**

**PUBLIC CERTIFICATE OF SERVICE**

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served by hand upon the Commission Investigative Attorney, **Monica Bhattacharyya, Esq.**, and the following parties as indicated, on 12/13/2018



Lisa R. Barton, Secretary  
U.S. International Trade Commission  
500 E Street, SW, Room 112  
Washington, DC 20436

**On Behalf of Complainants YETI Coolers, LLC:**

Jonathan L. Hardt  
**VINSON & ELKINS LLP**  
2200 Pennsylvania Avenue, NW, Suite 500 West  
Washington, DC 20037

- ☐ Via Hand Delivery  
☒ Via Express Delivery  
☐ Via First Class Mail  
☐ Other: \_\_\_\_\_

**Respondents:**

Huizhou Dashu Trading Co., Ltd. 2001 Unit 2, #203 Building,  
Jinshanhu Garden, Huanhu Third Road, Huicheng District  
Huizhou City, Guangdong Province  
China

- ☐ Via Hand Delivery  
☒ Via Express Delivery  
☐ Via First Class Mail  
☐ Other: \_\_\_\_\_

Huagong Trading Co., Ltd.  
WANGSHIZHUANG, QINGHE County,  
Hebei, QINGH  
Hebei, China

- ☐ Via Hand Delivery  
☒ Via Express Delivery  
☐ Via First Class Mail  
☐ Other: \_\_\_\_\_