

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, DC

In the Matter of

CERTAIN POCKET LIGHTERS

Inv. No. 337-TA-1142

CORRECTED GENERAL EXCLUSION ORDER

The United States International Trade Commission (“Commission”) has determined that there is a violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337) (“section 337”), in the unlawful importation, sale for importation, or sale within the United States after importation of certain pocket lighters that include an oblong body which is elliptical in cross-section, a fork which is generally parabolic in cross-section, and/or a hood which is generally parabolic in cross-section, that infringe one or more of U.S. Trademark Registration Nos. 1,761,622 and 2,278,917 (collectively, “the Asserted Trade Dress Marks”).¹

Having reviewed the record of 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 pursuant to 19 U.S.C. § 1337(d)(2), that a general exclusion from entry for consumption is necessary to prevent circumvention of an exclusion order limited to products of named persons or entities and because there is a pattern of violation of section 337 and it is difficult to identify the source of infringing products. Accordingly, the Commission has determined to issue a general exclusion order prohibiting the unlicensed entry of pocket lighters that include an oblong body which is elliptical in cross-

¹ Copies of the registration certificates for the Asserted Trade Dress Marks are attached as Exhibits 1 and 2.

section, a fork which is generally parabolic in cross-section, and/or a hood which is generally parabolic in cross-section, that infringe the Asserted Trade Dress Marks.

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(d)(1) do not preclude the issuance of the general exclusion order. The Commission has further determined that a bond of one hundred (100) percent of the entered value will be required during the period of Presidential review.

Accordingly, the Commission hereby **ORDERS** that:

1. Pocket lighters that include an oblong body which is elliptical in cross-section, a fork which is generally parabolic in cross-section, and/or a hood which is generally parabolic in cross-section, that infringe one or more of the Asserted Trade Dress Marks (“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 from, or with the permission of, the trademark owner or as provided by law, until such date as the Asserted Trade Dress Marks are abandoned, canceled, or rendered invalid or unenforceable.
2. Notwithstanding paragraph 1 of this Order, 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 the products pursuant to subsection (j) of Section 337 (19 U.S.C. § 1337(j)) and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 Fed. Reg. 43251), from the day after this Order is received by the United

States Trade Representative until such time as the United States Trade Representative notifies the Commission that this Order is approved or disapproved but, in any event, not later than sixty (60) days after the date of receipt of this Order. All entries of covered articles made pursuant to this paragraph are to be reported to U.S. Customs and Border Production (“CBP”) in advance of the date of the entry, pursuant to procedures CBP establishes.

3. At the discretion of CBP and pursuant to procedures that it establishes, persons seeking to import pocket lighters that include an oblong body which is elliptical in cross-section, a fork which is generally parabolic in cross-section, and/or a hood which is generally parabolic in cross-section 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 paragraph 1 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.
4. This Order does not exempt infringing articles from seizures under the trademark laws enforced by CBP, most notably 19 U.S.C. § 1526(e) and 19 U.S.C. § 1595a(c)(2)(C) for a violation of 15 U.S.C. § 1124.
5. Complainant BIC Corporation (“BIC”) shall file a written statement with the Commission, made under oath, each year on the anniversary of the issuance of this Order stating: (i) whether BIC continues to use each of the Asserted Trade Dress Marks in commerce in the United States in connection with pocket lighters

that include an oblong body which is elliptical in cross-section, a fork which is generally parabolic in cross-section, and/or a hood which is generally parabolic in cross-section; (ii) whether any of the Asserted Trade Dress Marks has been abandoned, canceled, or rendered invalid or unenforceable; and (iii) whether BIC continues to satisfy the domestic industry requirements of section 337(a)(2) and (3).

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

Lisa R. Barton
Secretary to the Commission

Issued: October 27, 2020

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER, COMMISSION** has been served via EDIS upon the Commission Investigative Attorney, **Yoncha Kundupoglu, Esq.**, and the following parties as indicated, on **October 27, 2020**.



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

On Behalf of Complainant BIC Corporation:

Jordan L. Coyle, Esq.
ORRICK, HERRINGTON & SUTCLIFFE, LLP
Columbia Center
1152 15th Street, NW
Washington, DC 20005
Email: jcoyle@orrick.com

- ☐ Via Hand Delivery
- ☐ Via Express Delivery
- ☐ Via First Class Mail
- ☒ Other: Email Notification of Availability for Download

Respondents:

Milan Import Export company, LLC
2333 Camino Del Rio S. Suite 120
San Diego, CA 92108

- ☐ Via Hand Delivery
- ☐ Via Express Delivery
- ☐ Via First Class Mail
- ☒ Other: Service to Be Completed by Complainants

Wellpine Company Limited
Unit 701 , Grand City Plaza
No. 1-17 Sai Lau Kok Road, Tsuen Wan,
N.T., Hong Kong

- ☐ Via Hand Delivery
- ☐ Via Express Delivery
- ☐ Via First Class Mail
- ☒ Other: Service to Be Completed by Complainants

Zhuoye Lighter Manufacturing Co, Ltd.
No. 2, 3rd, New Techological Industrial Zone
Foshan City, Guangdong
China

- ☐ Via Hand Delivery
- ☐ Via Express Delivery
- ☐ Via First Class Mail
- ☒ Other: Service to Be Completed by Complainants

EXHIBIT 1

7670382



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

March 06, 2018

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,761,622 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 *March 30, 1993*
2nd RENEWAL FOR A TERM OF 10 YEARS FROM *March 30, 2013*
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

BIC CORPORATION

A CONNECTICUT CORPORATION

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



Int. Cl.: 34

Prior U.S. Cl.: 8

Reg. No. 1,761,622

United States Patent and Trademark Office Registered Mar. 30, 1993

**TRADEMARK
PRINCIPAL REGISTER**



BIC CORPORATION (NEW YORK CORPORATION)
500 BIC DRIVE
MILFORD, CT 06460

FOR: CIGARETTE LIGHTERS NOT MADE
OF PRECIOUS METAL, IN CLASS 34 (U.S. CL.
8).

FIRST USE 10-25-1973; IN COMMERCE
10-25-1973.

THE LINING SHOWN IN THE DRAWING IS
FOR SHADING PURPOSES ONLY AND IS NOT
A FEATURE OF THE MARK.

THE DRAWING SHOWS A LIGHTER
HAVING AN OBLONG BODY WHICH IS EL-
LIPTICAL IN CROSS-SECTION; A FORK
WHICH IS GENERALLY PARABOLIC IN
CROSS-SECTION; AND A HOOD WHICH IS
GENERALLY PARABOLIC IN CROSS-SEC-
TION.

SEC. 2(F).

SER. NO. 73-808,159, FILED 6-21-1989.

CRAIG K. MORRIS, EXAMINING ATTORNEY

EXHIBIT 2

7670382



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

March 06, 2018

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,278,917 IS
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P. SWAIN
Certifying Officer



Int. Cl.: 34

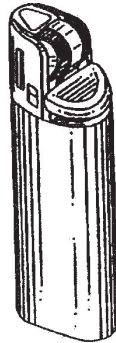
Prior U.S. Cls.: 2, 8, 9 and 17

Reg. No. 2,278,917

United States Patent and Trademark Office

Registered Sep. 21, 1999

TRADEMARK
PRINCIPAL REGISTER



BIC CORPORATION (NEW YORK CORPORATION)
500 BIC DRIVE
MILFORD, CT 06460

FOR: CIGARETTE LIGHTERS NOT MADE
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FIRST USE 2-0-1995; IN COMMERCE
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SHOWS A LIGHTER HAVING AN ABLONG
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OF THE PRODUCT, AS DEPICTED IN
THE DRAWING.

SEC. 2(F).

SER. NO. 75-424,826, FILED 1-28-1998.

JOHN E. MICHOS, EXAMINING ATTORNEY

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In the Matter of

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Inv. No. 337-TA-1142

GENERAL EXCLUSION ORDER

The United States International Trade Commission (“Commission”) has determined that there is a violation of Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337) (“section 337”), in the unlawful importation, sale for importation, or sale within the United States after importation of certain pocket lighters that include an oblong body which is elliptical in cross-section, a fork which is generally parabolic in cross-section, and/or a hood which is generally parabolic in cross-section, that infringe one or more of U.S. Trademark Registration Nos. 1,761,622 and 2,278,917 (collectively, “the Asserted Trade Dress Marks”).¹

Having reviewed the record of 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 pursuant to 19 U.S.C. § 1337(d)(2), that a general exclusion from entry for consumption is necessary to prevent circumvention of an exclusion order limited to products of named persons or entities and because there is a pattern of violation of section 337 and it is difficult to identify the source of infringing products. Accordingly, the Commission has determined to issue a general exclusion order prohibiting the unlicensed entry of pocket lighters that include an oblong body which is elliptical in cross-

¹ Copies of the registration certificates for the Asserted Trade Dress Marks are attached as Exhibits 1 and 2.

section, a fork which is generally parabolic in cross-section, and/or a hood which is generally parabolic in cross-section, that infringe the Asserted Trade Dress Marks.

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. § 1337(d)(1) do not preclude the issuance of the general exclusion order. The Commission has further determined that a bond of one hundred (100) percent of the entered value will be required during the period of Presidential review.

Accordingly, the Commission hereby **ORDERS** that:

1. Pocket lighters that include an oblong body which is elliptical in cross-section, a fork which is generally parabolic in cross-section, and/or a hood which is generally parabolic in cross-section, that infringe one or more of the Asserted Trade Dress Marks (“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 from, or with the permission of, the trademark owner or as provided by law, until such date as the Asserted Trade Dress Marks are abandoned, canceled, or rendered invalid or unenforceable.
2. Notwithstanding paragraph 1 of this Order, 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 the products pursuant to subsection (j) of Section 337 (19 U.S.C. § 1337(j)) and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 Fed. Reg. 43251), from the day after this Order is received by the United

States Trade Representative until such time as the United States Trade Representative notifies the Commission that this Order is approved or disapproved but, in any event, not later than sixty (60) days after the date of receipt of this Order. All entries of covered articles made pursuant to this paragraph are to be reported to U.S. Customs and Border Production (“CBP”) in advance of the date of the entry, pursuant to procedures CBP establishes.

3. At the discretion of CBP and pursuant to procedures that it establishes, persons seeking to import pocket lighters that include an oblong body which is elliptical in cross-section, a fork which is generally parabolic in cross-section, and/or a hood which is generally parabolic in cross-section 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 paragraph 1 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.
4. This Order does not exempt infringing articles from seizures under the trademark laws enforced by CBP, most notably 19 U.S.C. § 1526(e) and 19 U.S.C. § 1595a(c)(2)(C) for a violation of 15 U.S.C. § 1124.
5. 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).

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

7. 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'.

Lisa R. Barton
Secretary to the Commission

Issued: June 22, 2020

EXHIBIT 1

7670382



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

March 06, 2018

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P. SWAIN
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Int. Cl.: 34

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SEC. 2(F).

SER. NO. 73-808,159, FILED 6-21-1989.

CRAIG K. MORRIS, EXAMINING ATTORNEY

EXHIBIT 2

7670382



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

March 06, 2018

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,278,917 IS
CERTIFIED TO BE A TRUE COPY WHICH IS IN FULL FORCE AND
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THEREON AS DISCLOSED BY THE RECORDS OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE.

REGISTERED FOR A TERM OF 10 YEARS FROM *September 21, 1999*
1st RENEWAL FOR A TERM OF 10 YEARS FROM *September 21, 2009*
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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



BIC-ITC-0000038

Int. Cl.: 34

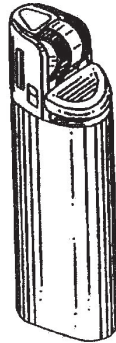
Prior U.S. Cls.: 2, 8, 9 and 17

Reg. No. 2,278,917

United States Patent and Trademark Office

Registered Sep. 21, 1999

TRADEMARK
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FOR: CIGARETTE LIGHTERS NOT MADE
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FIRST USE 2-0-1995; IN COMMERCE
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SEC. 2(F).

SER. NO. 75-424,826, FILED 1-28-1998.

JOHN E. MICHOS, EXAMINING ATTORNEY

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served via EDIS upon the Commission Investigative Attorney, **Yoncha Kundupoglu, Esq.**, and the following parties as indicated, on **June 22, 2020**.



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

On Behalf of Complainant BIC Corporation:

Jordan L. Coyle, Esq.
ORRICK, HERRINGTON & SUTCLIFFE, LLP
Columbia Center
1152 15th Street, NW
Washington, DC 20005
Email: jcoyle@orrick.com

- ☐ Via Hand Delivery
- ☐ Via Express Delivery
- ☐ Via First Class Mail
- ☒ Other: Email Notification of Availability for Download

Respondents:

Milan Import Export company, LLC
2333 Camino Del Rio S. Suite 120
San Diego, CA 92108

- ☐ Via Hand Delivery
- ☐ Via Express Delivery
- ☐ Via First Class Mail
- ☒ Other: Service to Be Completed by Complainants

Wellpine Company Limited
Unit 701 , Grand City Plaza
No. 1-17 Sai Lau Kok Road, Tsuen Wan,
N.T., Hong Kong

- ☐ Via Hand Delivery
- ☐ Via Express Delivery
- ☐ Via First Class Mail
- ☒ Other: Service to Be Completed by Complainants

Zhuoye Lighter Manufacturing Co, Ltd.
No. 2, 3rd, New Techological Industrial Zone
Foshan City, Guangdong
China

- ☐ Via Hand Delivery
- ☐ Via Express Delivery
- ☐ Via First Class Mail
- ☒ Other: Service to Be Completed by Complainants

UNITED STATES INTERNATIONAL TRADE COMMISSION

Washington, DC

In the Matter of

CERTAIN POCKET LIGHTERS

Inv. No. 337-TA-1142

CEASE AND DESIST ORDER

IT IS HEREBY ORDERED THAT Milan Import Export Company, LLC of San Diego, California, cease and desist from conducting any of the following activities in the United States: importing, selling, offering for sale, marketing, advertising, distributing, transferring (except for exportation), soliciting United States agents or distributors and aiding or abetting other entities in the importation, sale for importation, sale after importation, transfer (except for exportation), or distribution of pocket lighters that include an oblong body which is elliptical in cross-section, a fork which is generally parabolic in cross-section, and/or a hood which is generally parabolic in cross-section, that infringe one or more of U.S. Trademark Registration Nos. 1,761,622 and 2,278,917 (collectively, “the Asserted Trade Dress Marks”) in violation of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. § 1337).¹

I. Definitions

As used in this order:

- (A) “Commission” shall mean the United States International Trade Commission.
- (B) “Complainant” shall mean BIC Corporation of Shelton, Connecticut.

¹ Copies of the registration certificates for the Asserted Trade Dress Marks are attached as Exhibits 1 and 2.

- (C) “Respondent” shall mean Milan Import Export Company, LLC of San Diego, California.
- (D) “Person” shall mean an individual, or any non-governmental partnership, firm, association, corporation, or other legal or business entity other than Respondent or its majority-owned or controlled subsidiaries, successors, or assigns.
- (E) “United States” shall mean the fifty States, the District of Columbia, and Puerto Rico.
- (F) The terms “import” and “importation” refer to importation for entry for consumption under the Customs laws of the United States.
- (G) The term “covered products” shall mean pocket lighters that include an oblong body which is elliptical in cross-section, a fork which is generally parabolic in cross-section, and/or a hood which is generally parabolic in cross-section, that infringe one or more of the Asserted Trade Dress Marks. Covered products shall not include articles for which a provision of law or license avoids liability for infringement.

II. Applicability

The provisions of this Cease and Desist Order shall apply to Respondent and to any of its principals, stockholders, officers, directors, employees, agents, distributors, controlled (whether by stock ownership or otherwise) and majority-owned business entities, successors, and assigns, and to each of them, insofar as they are engaging in conduct prohibited by section III, *infra*, for, with, or otherwise on behalf of, Respondent.

III. Conduct Prohibited

The following conduct of Respondent in the United States is prohibited by this Order. Until such date as the Asserted Trade Dress Marks are abandoned, canceled, or rendered invalid or unenforceable, Respondent shall not:

- (A) import, sell for importation, or sell after importation into the United States covered products;
- (B) market, distribute, offer for sale, or otherwise transfer (except for exportation) imported covered products;
- (C) advertise imported covered products;
- (D) solicit U.S. agents or distributors for imported covered products; or
- (E) aid or abet other entities in the importation, sale for importation, sale after importation, transfer, or distribution of covered products.

IV. Conduct Permitted

Notwithstanding any other provision of this Order, specific conduct otherwise prohibited by the terms of this Order shall be permitted if, in a written instrument, the owner of the Asserted Trade Dress Marks licenses or authorizes such specific conduct.

V. Reporting

For purposes of this requirement, the reporting periods shall commence on January 1 of each year and shall end on the subsequent December 31. The first report required under this section shall cover the period from the date of issuance of this order through December 31, 2020. This reporting requirement shall continue in force until such time as Respondent has truthfully reported, in two consecutive timely filed reports, that it has no inventory of covered products in the United States.

Within thirty (30) days of the last day of the reporting period, Respondent shall report to the Commission: (a) the quantity in units and the value in dollars of covered products that it has (i) imported and/or (ii) sold in the United States after importation during the reporting period, and (b) the quantity in units and value in U.S. dollars of reported covered products that remain in inventory in the United States at the end of the reporting period.

When filing written submissions, Respondent must file the original document electronically on or before the deadlines stated above and submit eight (8) true paper copies to the Office of the Secretary by noon the next day pursuant to section 210.4(f) of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.4(f)). Submissions should refer to the investigation number ("Inv. No. 337-TA-1142") in a prominent place on the cover pages and/or the first page. *See Handbook for Electronic Filing Procedures, https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.* Persons with questions regarding filing should contact the Secretary (202-205-2000). If Respondent desires to submit a document to the Commission in confidence, it must file the original and a public version of the original with the Office of the Secretary and must serve a copy of the confidential version on Complainant's counsel.²

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 C.F.R.

² Complainant must file a letter with the Secretary identifying the attorney to receive reports and bond information associated with this Order. The designated attorney must be on the protective order entered in the investigation.

210.4(f) are currently waived, pending resolution of the COVID-19 crisis. 85 Fed. Reg. 15798 (March 19, 2020).

Any failure to make the required report or the filing of any false or inaccurate report shall constitute a violation of this Order, and the submission of a false or inaccurate report may be referred to the U.S. Department of Justice as a possible criminal violation of 18 U.S.C. § 1001.

VI. Record-Keeping and Inspection

(A) For the purpose of securing compliance with this Order, Respondent shall retain any and all records relating to the sale, offer for sale, marketing, or distribution in the United States of covered products, made and received in the usual and ordinary course of business, whether in detail or in summary form, for a period of three (3) years from the close of the fiscal year to which they pertain.

(B) For the purposes of determining or securing compliance with this Order and for no other purpose, subject to any privilege recognized by the federal courts of the United States, and upon reasonable written notice by the Commission or its staff, duly authorized representatives of the Commission shall be permitted access and the right to inspect and copy, in Respondent's principal offices during office hours, and in the presence of counsel or other representatives if Respondent so chooses, all books, ledgers, accounts, correspondence, memoranda, and other records and documents, in detail and in summary form, that must be retained under subparagraph VI(A) of this Order.

VII. Service of Cease and Desist Order

Respondent is ordered and directed to:

(A) Serve, within fifteen (15) days after the effective date of this Order, a copy of this Order upon each of its respective officers, directors, managing agents, agents, and employees

who have any responsibility for the importation, marketing, distribution, or sale of imported covered products in the United States;

(B) Serve, within fifteen (15) days after the succession of any persons referred to in subparagraph VII(A) of this Order, a copy of the Order upon each successor; and

(C) Maintain such records as will show the name, title, and address of each person upon whom the Order has been served, as described in subparagraphs VII(A) and VII(B) of this Order, together with the date on which service was made.

The obligations set forth in subparagraphs VII(B) and VII (C) shall remain in effect until such date as the Asserted Trade Dress Marks are abandoned, canceled, or rendered invalid or unenforceable.

VIII. Confidentiality

Any request for confidential treatment of information obtained by the Commission pursuant to section V of this Order should be made in accordance with section 201.6 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 201.6). For all reports for which confidential treatment is sought, Respondent must provide a public version of such report with confidential information redacted.

IX. Enforcement

Violation of this order may result in any of the actions specified in section 210.75 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.75), including an action for civil penalties under section 337(f) of the Tariff Act of 1930 (19 U.S.C. § 1337(f)), as well as any other action that the Commission deems appropriate. In determining whether Respondent is in violation of this order, the Commission may infer facts adverse to Respondent if it fails to provide adequate or timely information.

X. Modification

The Commission may amend this Order on its own motion or in accordance with the procedure described in section 210.76 of the Commission's Rules of Practice and Procedure (19 C.F.R. § 210.76).

XI. Bonding

The conduct prohibited by section III of this order may be continued during the sixty-day period in which this Order is under review by the United States Trade Representative, as delegated by the President (70 Fed. Reg. 43251 (Jul. 21, 2005)), subject to Respondent posting of a bond in the amount of one hundred (100) percent of the entered value of the covered products. This bond provision does not apply to conduct that is otherwise permitted by section IV of this Order. Covered products imported on or after the date of issuance of this Order are subject to the entry bond as set forth in the exclusion order issued by the Commission and are not subject to this bond provision.

The bond is to be posted in accordance with the procedures established by the Commission for the posting of bonds by complainants in connection with the issuance of temporary exclusion orders. *See* 19 C.F.R. § 210.68. The bond and any accompanying documentation are to be provided to and approved by the Commission prior to the commencement of conduct that is otherwise prohibited by section III of this Order. Upon the Secretary's acceptance of the bond, (a) the Secretary will serve an acceptance letter on all parties, and (b) Respondent must serve a copy of the bond and accompanying documentation on Complainant's counsel.³

³ *See* Footnote 1.

The bond is to be forfeited in the event that the United States Trade Representative approves this Order (or does not disapprove it within the review period), unless (i) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (ii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission.

This bond is to be released in the event (i) the United States Trade Representative disapproves this Order and no subsequent order is issued by the Commission and approved (or not disapproved) by the United States Trade Representative, (ii) the U.S. Court of Appeals for the Federal Circuit, in a final judgment, reverses any Commission final determination and order as to Respondent on appeal, or (iii) Respondent exports or destroys the products subject to this bond and provides certification to that effect that is satisfactory to the Commission, upon service on Respondent of an order issued by the Commission based upon application therefor made by Respondent to the Commission.

By order of the Commission.

A handwritten signature in black ink, appearing to read 'LRB', is positioned above the printed name of the signatory.

Lisa R. Barton
Secretary to the Commission

Issued: June 22, 2020

EXHIBIT 1

7670382



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

March 06, 2018

THE ATTACHED U.S. TRADEMARK REGISTRATION 1,761,622 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.

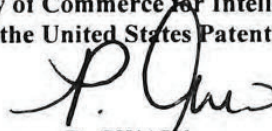
REGISTERED FOR A TERM OF 10 YEARS FROM *March 30, 1993*
2nd RENEWAL FOR A TERM OF 10 YEARS FROM *March 30, 2013*
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

BIC CORPORATION

A CONNECTICUT CORPORATION

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



Int. Cl.: 34

Prior U.S. Cl.: 8

United States Patent and Trademark Office

Reg. No. 1,761,622

Registered Mar. 30, 1993

**TRADEMARK
PRINCIPAL REGISTER**



BIC CORPORATION (NEW YORK CORPORATION)
500 BIC DRIVE
MILFORD, CT 06460

FOR: CIGARETTE LIGHTERS NOT MADE
OF PRECIOUS METAL, IN CLASS 34 (U.S. CL.
8).

FIRST USE 10-25-1973; IN COMMERCE
10-25-1973.

THE LINING SHOWN IN THE DRAWING IS
FOR SHADING PURPOSES ONLY AND IS NOT
A FEATURE OF THE MARK.

THE DRAWING SHOWS A LIGHTER
HAVING AN OBLONG BODY WHICH IS EL-
LIPTICAL IN CROSS-SECTION; A FORK
WHICH IS GENERALLY PARABOLIC IN
CROSS-SECTION; AND A HOOD WHICH IS
GENERALLY PARABOLIC IN CROSS-SEC-
TION.

SEC. 2(F).

SER. NO. 73-808,159, FILED 6-21-1989.

CRAIG K. MORRIS, EXAMINING ATTORNEY

EXHIBIT 2

7670382



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

March 06, 2018

THE ATTACHED U.S. TRADEMARK REGISTRATION 2,278,917 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 *September 21, 1999*
1st RENEWAL FOR A TERM OF 10 YEARS FROM *September 21, 2009*
SECTION 8 & 15

SAID RECORDS SHOW TITLE TO BE IN:

BIC CORPORATION

A CONNECTICUT CORPORATION

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



Int. Cl.: 34

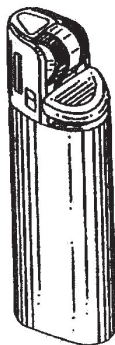
Prior U.S. Cls.: 2, 8, 9 and 17

Reg. No. 2,278,917

United States Patent and Trademark Office

Registered Sep. 21, 1999

TRADEMARK
PRINCIPAL REGISTER



BIC CORPORATION (NEW YORK CORPORATION)
500 BIC DRIVE
MILFORD, CT 06460

FOR: CIGARETTE LIGHTERS NOT MADE
OF PRECIOUS METAL, IN CLASS 34 (U.S. CLS.
2, 8, 9 AND 17).

FIRST USE 2-0-1995; IN COMMERCE
2-0-1995.

OWNER OF U.S. REG. NO. 1,761,622.

THE LINING SHOWN IN THE DRAWING IS
FOR SHADING PURPOSES ONLY AND IS NOT
A FEATURE OF THE MARK. THE DRAWING

SHOWS A LIGHTER HAVING AN ABLONG
BODY WHICH IS ELLIPTICAL IN CROSS-SECTION;
A FORK WHICH IS GENERALLY PARABOLIC
IN CROSS-SECTION; AND A HOOD WHICH IS
GENERALLY PARABOLIC IN CROSS-SECTION.

THE MARK CONSTITUTES THE CONFIGURATION
OF THE PRODUCT, AS DEPICTED IN
THE DRAWING.

SEC. 2(F).

SER. NO. 75-424,826, FILED 1-28-1998.

JOHN E. MICHOS, EXAMINING ATTORNEY

PUBLIC CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **ORDER** has been served via EDIS upon the Commission Investigative Attorney, **Yoncha Kundupoglu, Esq.**, and the following parties as indicated, on **June 22, 2020**.



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

On Behalf of Complainant BIC Corporation:

Jordan L. Coyle, Esq.
ORRICK, HERRINGTON & SUTCLIFFE, LLP
Columbia Center
1152 15th Street, NW
Washington, DC 20005
Email: jcoyle@orrick.com

- ☐ Via Hand Delivery
- ☐ Via Express Delivery
- ☐ Via First Class Mail
- ☒ Other: Email Notification of Availability for Download

Respondents:

Milan Import Export company, LLC
2333 Camino Del Rio S. Suite 120
San Diego, CA 92108

- ☐ Via Hand Delivery
- ☐ Via Express Delivery
- ☐ Via First Class Mail
- ☒ Other: Service to Be Completed by Complainants

Wellpine Company Limited
Unit 701 , Grand City Plaza
No. 1-17 Sai Lau Kok Road, Tsuen Wan,
N.T., Hong Kong

- ☐ Via Hand Delivery
- ☐ Via Express Delivery
- ☐ Via First Class Mail
- ☒ Other: Service to Be Completed by Complainants

Zhuoye Lighter Manufacturing Co, Ltd.
No. 2, 3rd, New Techological Industrial Zone
Foshan City, Guangdong
China

- ☐ Via Hand Delivery
- ☐ Via Express Delivery
- ☐ Via First Class Mail
- ☒ Other: Service to Be Completed by Complainants