

U.S. Customs and Border Protection



QUARTERLY IRS INTEREST RATES USED IN CALCULATING INTEREST ON OVERDUE ACCOUNTS AND REFUNDS ON CUSTOMS DUTIES

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This notice advises the public that the quarterly Internal Revenue Service interest rates used to calculate interest on overdue accounts (underpayments) and refunds (overpayments) of customs duties will remain the same from the previous quarter. For the calendar quarter beginning January 1, 2017, the interest rates for overpayments will be 3 percent for corporations and 4 percent for non-corporations, and the interest rate for underpayments will be 4 percent for both corporations and non-corporations. This notice is published for the convenience of the importing public and U.S. Customs and Border Protection personnel.

EFFECTIVE DATE: January 1, 2017.

FOR FURTHER INFORMATION CONTACT: Kara N. Welty, Revenue Division, Collection and Refunds Branch, 6650 Telecom Drive, Suite #100, Indianapolis, Indiana 46278; telephone (317) 614-4614.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to 19 U.S.C. 1505 and Treasury Decision 85-93, published in the **Federal Register** on May 29, 1985 (50 FR 21832), the interest rate paid on applicable overpayments or underpayments of customs duties must be in accordance with the Internal Revenue Code rate established under 26 U.S.C. 6621 and 6622. Section 6621 provides different interest rates applicable to overpayments: One for corporations and one for non-corporations.

The interest rates are based on the Federal short-term rate and determined by the Internal Revenue Service (IRS) on behalf of the

Secretary of the Treasury on a quarterly basis. The rates effective for a quarter are determined during the first-month period of the previous quarter.

In Revenue Ruling 2016–28, the IRS determined the rates of interest for the calendar quarter beginning January 1, 2017, and ending on March 31, 2017. The interest rate paid to the Treasury for underpayments will be the Federal short-term rate (1%) plus three percentage points (3%) for a total of four percent (4%) for both corporations and non-corporations. For corporate overpayments, the rate is the Federal short-term rate (1%) plus two percentage points (2%) for a total of three percent (3%). For overpayments made by non-corporations, the rate is the Federal short-term rate (1%) plus three percentage points (3%) for a total of four percent (4%). These interest rates are subject to change for the calendar quarter beginning April 1, 2017, and ending June 30, 2017.

For the convenience of the importing public and U.S. Customs and Border Protection personnel the following list of IRS interest rates used, covering the period from before July of 1974 to date, to calculate interest on overdue accounts and refunds of customs duties, is published in summary format.

| Beginning date | Ending date | Underpayments (percent) | Overpayments (percent) | Corporate overpayments (Eff. 1–1–99) (percent) |
|----------------|-------------|-------------------------|------------------------|--|
| 070174 | 063075 | 6 | 6 | ..... |
| 070175 | 013176 | 9 | 9 | ..... |
| 020176 | 013178 | 7 | 7 | ..... |
| 020178 | 013180 | 6 | 6 | ..... |
| 020180 | 013182 | 12 | 12 | ..... |
| 020182 | 123182 | 20 | 20 | ..... |
| 010183 | 063083 | 16 | 16 | ..... |
| 070183 | 123184 | 11 | 11 | ..... |
| 010185 | 063085 | 13 | 13 | ..... |
| 070185 | 123185 | 11 | 11 | ..... |
| 010186 | 063086 | 10 | 10 | ..... |
| 070186 | 123186 | 9 | 9 | ..... |
| 010187 | 093087 | 9 | 8 | ..... |
| 100187 | 123187 | 10 | 9 | ..... |
| 010188 | 033188 | 11 | 10 | ..... |
| 040188 | 093088 | 10 | 9 | ..... |
| 100188 | 033189 | 11 | 10 | ..... |
| 040189 | 093089 | 12 | 11 | ..... |
| 100189 | 033191 | 11 | 10 | ..... |
| 040191 | 123191 | 10 | 9 | ..... |

| Beginning date | Ending date | Under-payments (percent) | Over-payments (percent) | Corporate overpayments (Eff. 1-1-99) (percent) |
|----------------|-------------|--------------------------|-------------------------|--|
| 010192 | 033192 | 9 | 8 | ..... |
| 040192 | 093092 | 8 | 7 | ..... |
| 100192 | 063094 | 7 | 6 | ..... |
| 070194 | 093094 | 8 | 7 | ..... |
| 100194 | 033195 | 9 | 8 | ..... |
| 040195 | 063095 | 10 | 9 | ..... |
| 070195 | 033196 | 9 | 8 | ..... |
| 040196 | 063096 | 8 | 7 | ..... |
| 070196 | 033198 | 9 | 8 | ..... |
| 040198 | 123198 | 8 | 7 | ..... |
| 010199 | 033199 | 7 | 7 | 6 |
| 040199 | 033100 | 8 | 8 | 7 |
| 040100 | 033101 | 9 | 9 | 8 |
| 040101 | 063001 | 8 | 8 | 7 |
| 070101 | 123101 | 7 | 7 | 6 |
| 010102 | 123102 | 6 | 6 | 5 |
| 010103 | 093003 | 5 | 5 | 4 |
| 100103 | 033104 | 4 | 4 | 3 |
| 040104 | 063004 | 5 | 5 | 4 |
| 070104 | 093004 | 4 | 4 | 3 |
| 100104 | 033105 | 5 | 5 | 4 |
| 040105 | 093005 | 6 | 6 | 5 |
| 100105 | 063006 | 7 | 7 | 6 |
| 070106 | 123107 | 8 | 8 | 7 |
| 010108 | 033108 | 7 | 7 | 6 |
| 040108 | 063008 | 6 | 6 | 5 |
| 070108 | 093008 | 5 | 5 | 4 |
| 100108 | 123108 | 6 | 6 | 5 |
| 010109 | 033109 | 5 | 5 | 4 |
| 040109 | 123110 | 4 | 4 | 3 |
| 010111 | 033111 | 3 | 3 | 2 |
| 040111 | 093011 | 4 | 4 | 3 |
| 100111 | 033116 | 3 | 3 | 2 |
| 040116 | 033117 | 4 | 4 | 3 |

Dated: February 13, 2017.

KEVIN K. McALEENAN,
Acting Commissioner,
U.S. Customs and Border Protection.

[Published in the Federal Register, February 16, 2017 (82 FR 10913)]

THE U.S. CUSTOMS AND BORDER PROTECTION USER FEE ADVISORY COMMITTEE (UFAC)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security (DHS).

ACTION: Committee management; notice of federal advisory public committee meeting.

SUMMARY: The U.S. Customs and Border Protection User Fee Advisory Committee (UFAC) will meet on Wednesday, March 22, 2017, in Washington, DC. The meeting will be open to the public.

DATES: The UFAC will meet on Wednesday, March 22, 2017, from 1:00 p.m. to 3:00 p.m. EDT. Please note that the meeting is scheduled for two hours and that the meeting may close early if the committee completes its business.

Pre-Registration: Meeting participants may attend either in person or via webinar after pre-registering using a method indicated below:

—For members of the public who plan to attend the meeting in person, please register either online at https://apps.cbp.gov/te_reg/index.asp?w=104, by email to tradeevents@dhs.gov; or by fax to (202) 325-4290 by 5:00 p.m. EDT on March 21, 2017.

—For members of the public who plan to participate via webinar, please register online at https://apps.cbp.gov/te_reg/index.asp?w=103 by 5:00 p.m. EDT on March 21, 2017.

Feel free to share this information with other interested members of your organization or association.

Members of the public who are pre-registered and later require cancellation, please do so in advance of the meeting by accessing one (1) of the following links: https://apps.cbp.gov/te_reg/cancel.asp?w=104 to cancel an in person registration, or https://apps.cbp.gov/te_reg/cancel.asp?w=103 to cancel a webinar registration.

ADDRESSES: The meeting will be held at U.S. International Trade Commission, 500 E Street SW., Courtroom A, Washington, DC 20436.

There will be signage posted directing visitors to the location of the conference room.

For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, contact Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection at (202) 344-1661 as soon as possible.

To facilitate public participation, we are inviting public comment on the topics to be discussed by the committee, prior to the meeting as listed in the “Agenda” section below.

Comments must be submitted in writing no later than March 15, 2017, and must be identified by Docket No. USCBP–2017–0002, and may be submitted by *one* of the following methods:

- *Federal eRulemaking Portal*: <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Email*: Tradeevents@dhs.gov. Include the docket number in the subject line of the message.
- *Fax*: (202) 325–4290.
- *Mail*: Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 3.5A, Washington, DC 20229.

Instructions: All submissions received must include the words “Department of Homeland Security” and the docket number for this action. Comments received will be posted without alteration at <http://www.regulations.gov>, including any personal information provided. Do not submit personal information to this docket.

Docket: For access to the docket to read background documents or comments, go to <http://www.regulations.gov> and search for Docket Number USCBP–2017–0002. To submit a comment, *see* the link on the *Regulations.gov* Web site for “How do I submit a comment?” located on the right hand side of the main site page.

There will be two (2) public comment periods held during the meeting on March 22, 2017. Speakers are requested to limit their comments to two (2) minutes or less to facilitate greater participation. Contact the individual listed below to register as a speaker. Please note that the public comment periods for speakers may end before the times indicated on the schedule that is posted on the CBP Web page, <http://www.cbp.gov/trade/stakeholder-engagement/user-fee-advisory-committee>.

FOR FURTHER INFORMATION CONTACT: Ms. Wanda Tate, Office of Trade Relations, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW., Room 3.5A, Washington, DC 20229; telephone (202) 344–1440; facsimile (202) 325–4290.

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (5 U.S.C. Appendix), the Department of Homeland Security (DHS) hereby announces the meeting of the U.S. Customs and Border Protection User Fee Advisory Committee (UFAC). The UFAC is tasked with providing advice to the Secretary of Homeland Security (DHS) through the Commissioner of U.S. Customs and Border Protection (CBP) on matters related to the perfor-

mance of inspections coinciding with the assessment of an agriculture, customs, or immigration user fee.

Agenda

1. The Financial Assessment and Options Subcommittee will review and discuss the work that has been completed so that the UFAC can deliberate upon and, if appropriate, vote on potential recommendations.

2. Public Comment Period.

3. The Process Improvements Subcommittee will review and discuss the work that has been completed so that the UFAC can deliberate upon and, if appropriate, vote on potential recommendations.

4. Public Comment Period.

Dated: February 16, 2017.

VALARIE NEUHART,
Acting Director,
Office of Trade Relations.

[Published in the Federal Register, February 22, 2017 (82 FR 11367)]



COPYRIGHT, TRADEMARK, AND TRADE NAME RECORDATIONS

(No. 1 2017)

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

SUMMARY: The following copyrights, trademarks, and trade names were recorded with U.S. Customs and Border Protection in January 2017. The last notice was published in the CUSTOMS BULLETIN on February 15, 2017.

Corrections or updates may be sent to: Intellectual Property Rights Branch, Regulations and Rulings, Office of Trade, U.S. Customs and Border Protection, 90 K Street, NE., 10th Floor, Washington, D.C. 20229–1177, or via email at iprrquestions@cbp.dhs.gov.

FOR FURTHER INFORMATION CONTACT: LaVerne Watkins, Paralegal Specialist, Intellectual Property Rights Branch, Regulations & Rulings, Office of Trade at (202) 325–0095.

CHARLES R. STEUART
Chief,
Intellectual Property Rights Branch
Regulations and Rulings Office of Trade

CBP IPR RECORDATION — FEBRUARY 2017

| Recordation No. | Effective Date | Expiration Date | Name of Cop/Tmk/Tnm | Owner Name | GM Restricted |
|------------------------|-----------------------|------------------------|---|---------------------------------------|----------------------|
| COP 17-00001 | 01/11/2017 | 08/15/2017 | Sentry Goose Head | Deadly Decoys, Inc. | No |
| COP 17-00002 | 01/19/2017 | 09/01/2017 | Steve test 100 | test 100 | No |
| COP 17-00003 | 01/19/2017 | 01/19/2037 | OjO Packaging and Likeness | OjO Electric LLC | No |
| COP 17-00004 | 01/24/2017 | 01/24/2037 | MESSIAH GOVERNMENT OF PEACE - Administrative Counsel Process & Procedure - LAW CODE OF THE COVENANT OF PEACE. | Asayah Y. Hawkins, aka Kermit Lockett | No |
| COP 17-00005 | 01/26/2017 | 01/26/2037 | Unicorn Slippers. | Smoko Inc. | No |
| COP 17-00006 | 01/31/2017 | 09/17/2017 | Comfort Click Packaging Artwork and Instructions | Ideavillage Products Corp. | No |
| TMK 00-00549 | 01/31/2017 | 02/19/2027 | Stick Figure Design | E. Gluck Corporation | No |
| TMK 00-00549 | 01/31/2017 | 02/19/2027 | Stick Figure Design | E. Gluck Corporation | No |
| TMK 04-00872 | 01/11/2017 | 05/18/2023 | CONFIGURATION OF THE SHAPE OF A FLASHLIGHT | MAG INSTRUMENT, INC. | No |
| TMK 04-00872 | 01/11/2017 | 05/18/2023 | CONFIGURATION OF THE SHAPE OF A FLASHLIGHT | MAG INSTRUMENT, INC. | No |
| TMK 04-00970 | 01/10/2017 | 12/23/2023 | CONFIGURATION OF THE SHAPE OF A FLASHLIGHT | MAG INSTRUMENT, INC. | No |
| TMK 04-00970 | 01/10/2017 | 12/23/2023 | CONFIGURATION OF THE SHAPE OF A FLASHLIGHT | MAG INSTRUMENT, INC. | No |

CBP IPR RECORDATION — FEBRUARY 2017

| Recordation No. | Effective Date | Expiration Date | Name of Cop/Tmk/Tnm | Owner Name | GM Restricted |
|------------------------|-----------------------|------------------------|--|---------------------------------|----------------------|
| TMK 04–00971 | 01/11/2017 | 11/05/2023 | DESIGN ONLY - MAG INSTRUMENT'S CELL MAG-LITE | MAG INSTRUMENT, INC. | No |
| TMK 04–00971 | 01/11/2017 | 11/05/2023 | DESIGN ONLY - MAG INSTRUMENT'S CELL MAG-LITE | MAG INSTRUMENT, INC. | No |
| TMK 04–00972 | 01/11/2017 | 12/23/2023 | APPEARANCE OF MAG CHARGER FLASHLIGHT | MAG INSTRUMENT, INC. | No |
| TMK 04–00972 | 01/11/2017 | 12/23/2023 | APPEARANCE OF MAG CHARGER FLASHLIGHT | MAG INSTRUMENT, INC. | No |
| TMK 05–00846 | 01/11/2017 | 04/14/2027 | ILLUMINATOR | CASIO KEISANKI KABUSHIKI KAISHA | No |
| TMK 05–00846 | 01/11/2017 | 04/14/2027 | ILLUMINATOR | CASIO KEISANKI KABUSHIKI KAISHA | No |
| TMK 06–00220 | 01/06/2017 | 01/14/2018 | 3-IN-1, 3-IN-ONE & DESIGN | WD-40 COMPANY | No |
| TMK 06–00220 | 01/06/2017 | 01/14/2018 | 3-IN-1, 3-IN-ONE & DESIGN | WD-40 COMPANY | No |
| TMK 06–00456 | 01/19/2017 | 04/22/2022 | CRESTOR | IPR PHARMACEUTICALS INC. | No |
| TMK 06–00456 | 01/19/2017 | 04/22/2022 | CRESTOR | IPR PHARMACEUTICALS INC. | No |
| TMK 06–01226 | 01/25/2017 | 10/25/2026 | ZEGNA SPORT (Stylized) | Ermenegildo Zegna Corporation | No |
| TMK 06–01226 | 01/25/2017 | 10/25/2026 | ZEGNA SPORT (Stylized) | Ermenegildo Zegna Corporation | No |
| TMK 07–00109 | 01/18/2017 | 04/23/2027 | BAY STUDIO | BDSRCO, Inc. | No |
| TMK 07–00109 | 01/18/2017 | 04/23/2027 | BAY STUDIO | BDSRCO, Inc. | No |
| TMK 07–00131 | 01/11/2017 | 01/10/2027 | MISS ELAINE RELAX | Miss Elaine, Inc. | No |
| TMK 07–00131 | 01/11/2017 | 01/10/2027 | MISS ELAINE RELAX | Miss Elaine, Inc. | No |

CBP IPR RECORDATION — FEBRUARY 2017

| Recordation No. | Effective Date | Expiration Date | Name of Cop/Tmk/Tnm | Owner Name | GM Restricted |
|------------------------|-----------------------|------------------------|---|------------------------------------|----------------------|
| TMK 07–00295 | 01/30/2017 | 10/18/2025 | XENICAL | HOFFMANN-LA ROCHE INC. | No |
| TMK 07–00295 | 01/30/2017 | 10/18/2025 | XENICAL | HOFFMANN-LA ROCHE INC. | No |
| TMK 07–00700 | 01/31/2017 | 07/23/2026 | OMEGA & Design | Omega S.A. (Omega AG) (Omega Ltd.) | No |
| TMK 07–00700 | 01/31/2017 | 07/23/2026 | OMEGA & Design | Omega S.A. (Omega AG) (Omega Ltd.) | No |
| TMK 07–01329 | 01/18/2017 | 04/23/2027 | DESIGN ONLY (HEART WITH WING AND CROWN) | Derek Andrew Inc. | No |
| TMK 07–01329 | 01/18/2017 | 04/23/2027 | DESIGN ONLY (HEART WITH WING AND CROWN) | Derek Andrew Inc. | No |
| TMK 08–00003 | 01/31/2017 | 06/08/2025 | BONIVA | Roche Therapeutics Inc. | No |
| TMK 08–00003 | 01/31/2017 | 06/08/2025 | BONIVA | Roche Therapeutics Inc. | No |
| TMK 08–00140 | 01/26/2017 | 11/16/2026 | KROGER | KROGER CO. OF MICHIGAN, THE | No |
| TMK 08–00140 | 01/26/2017 | 11/16/2026 | KROGER | KROGER CO. OF MICHIGAN, THE | No |
| TMK 08–00163 | 01/18/2017 | 08/03/2024 | PENTIUM | Intel Corporation | No |
| TMK 08–00163 | 01/18/2017 | 08/03/2024 | PENTIUM | Intel Corporation | No |
| TMK 08–00584 | 01/19/2017 | 02/08/2027 | CLOSE-UP | CHURCH & DWIGHT CO., INC. | No |
| TMK 08–00584 | 01/19/2017 | 02/08/2027 | CLOSE-UP | CHURCH & DWIGHT CO., INC. | No |
| TMK 08–00915 | 01/18/2017 | 05/27/2027 | REV | Celgene Corporation | No |
| TMK 08–00915 | 01/18/2017 | 05/27/2027 | REV | Celgene Corporation | No |
| TMK 09–00814 | 01/11/2017 | 01/14/2027 | SANDOSTATIN | Novartis AG | No |
| TMK 09–00814 | 01/11/2017 | 01/14/2027 | SANDOSTATIN | Novartis AG | No |

CBP IPR RECORDATION — FEBRUARY 2017

| Recordation No. | Effective Date | Expiration Date | Name of Cop/Tmk/Tnm | Owner Name | GM Restricted |
|------------------------|-----------------------|------------------------|---|---|----------------------|
| TMK 10-00273 | 01/12/2017 | 12/17/2026 | NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA and Design | Ferrero S.p.A. | No |
| TMK 10-00273 | 01/12/2017 | 12/17/2026 | NUTELLA FERRERO HAZELNUT SPREAD WITH SKIM MILK & COCOA and Design | Ferrero S.p.A. | No |
| TMK 10-00299 | 01/19/2017 | 02/04/2027 | DESIGN ONLY (Automobile Grille) | BAYERISCHE MOTOREN WERKE AK-TIENGESELLSCHAFT | No |
| TMK 10-00299 | 01/19/2017 | 02/04/2027 | DESIGN ONLY (Automobile Grille) | BAYERISCHE MOTOREN WERKE AK-TIENGESELLSCHAFT | No |
| TMK 10-00736 | 01/18/2017 | 12/19/2026 | TUDOR PLATINUM and Design | MAC-JOHNSON CONTROLS COLOMBIA, S.A.S. SIGLA MAC-JCI | No |
| TMK 10-00736 | 01/18/2017 | 12/19/2026 | TUDOR PLATINUM and Design | MAC-JOHNSON CONTROLS COLOMBIA, S.A.S. SIGLA MAC-JCI | No |
| TMK 11-00419 | 01/11/2017 | 03/12/2027 | S (Stylized) | Specialized Bicycle Components, Inc. | No |
| TMK 11-00419 | 01/11/2017 | 03/12/2027 | S (Stylized) | Specialized Bicycle Components, Inc. | No |
| TMK 11-01188 | 01/19/2017 | 01/03/2027 | A87 (Stylized) | ABG-AERO IPCO, LLC | No |
| TMK 11-01188 | 01/19/2017 | 01/03/2027 | A87 (Stylized) | ABG-AERO IPCO, LLC | No |
| TMK 11-01355 | 01/19/2017 | 08/04/2023 | PULMOZYME | GENENTECH, INC. | No |
| TMK 11-01355 | 01/19/2017 | 08/04/2023 | PULMOZYME | GENENTECH, INC. | No |

CBP IPR RECORDATION — FEBRUARY 2017

| Recordation No. | Effective Date | Expiration Date | Name of Cop/Tmk/Tnm | Owner Name | GM Restricted |
|------------------------|-----------------------|------------------------|---|--|----------------------|
| TMK 11–01357 | 01/18/2017 | 11/02/2025 | AVASTIN | GENENTECH, INC. | No |
| TMK 11–01357 | 01/18/2017 | 11/02/2025 | AVASTIN | GENENTECH, INC. | No |
| TMK 12–00295 | 01/06/2017 | 01/03/2027 | EASYPOD | MERCK KGAA KOMMANDITGESELLSCHAFT AUF AKTIEN (KGAA) | No |
| TMK 12–00295 | 01/06/2017 | 01/03/2027 | EASYPOD | MERCK KGAA KOMMANDITGESELLSCHAFT AUF AKTIEN (KGAA) | No |
| TMK 12–00505 | 01/24/2017 | 07/05/2021 | Design Only (Configuration of a Lamp) | HERMAN MILLER, INC. | No |
| TMK 12–00505 | 01/24/2017 | 07/05/2021 | Design Only (Configuration of a Lamp) | HERMAN MILLER, INC. | No |
| TMK 12–00654 | 01/31/2017 | 04/09/2027 | DACOGEN | ASTEX PHARMACEUTICALS, INC. | No |
| TMK 12–00654 | 01/31/2017 | 04/09/2027 | DACOGEN | ASTEX PHARMACEUTICALS, INC. | No |
| TMK 12–00717 | 01/03/2017 | 10/11/2026 | OFFICIAL NINTENDO SEAL Design | Nintendo of America Inc. | No |
| TMK 12–00717 | 01/03/2017 | 10/11/2026 | OFFICIAL NINTENDO SEAL Design | Nintendo of America Inc. | No |
| TMK 12–00805 | 01/11/2017 | 01/24/2027 | DESIGN ONLY (LOCKHEED MARTIN STAR DESIGN) | Lockheed Martin Corporation | No |
| TMK 12–00805 | 01/11/2017 | 01/24/2027 | DESIGN ONLY (LOCKHEED MARTIN STAR DESIGN) | Lockheed Martin Corporation | No |
| TMK 12–00829 | 01/06/2017 | 10/18/2026 | OFFICIAL NINTENDO SEAL and Design | Nintendo of America Inc. | No |
| TMK 12–00829 | 01/06/2017 | 10/18/2026 | OFFICIAL NINTENDO SEAL and Design | Nintendo of America Inc. | No |
| TMK 12–01209 | 01/26/2017 | 01/28/2027 | DOVE | MARS, INCORPORATED | No |
| TMK 12–01209 | 01/26/2017 | 01/28/2027 | DOVE | MARS, INCORPORATED | No |

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| Recordation No. | Effective Date | Expiration Date | Name of Cop/Tmk/Tnm | Owner Name | GM Restricted |
|------------------------|-----------------------|------------------------|------------------------------|--------------------------------------|----------------------|
| TMK 12–01374 | 01/31/2017 | 03/03/2027 | COMPACT | Georgia-Pacific Consumer Products LP | No |
| TMK 12–01374 | 01/31/2017 | 03/03/2027 | COMPACT | Georgia-Pacific Consumer Products LP | No |
| TMK 13–00414 | 01/11/2017 | 01/22/2026 | EDGE | EDGEWELL PERSONAL CARE BRANDS, LLC | No |
| TMK 13–00414 | 01/11/2017 | 01/22/2026 | EDGE | EDGEWELL PERSONAL CARE BRANDS, LLC | No |
| TMK 13–00461 | 01/19/2017 | 06/02/2023 | BANANA BOAT | EDGEWELL PERSONAL CARE BRANDS, LLC | No |
| TMK 13–00461 | 01/19/2017 | 06/02/2023 | BANANA BOAT | EDGEWELL PERSONAL CARE BRANDS, LLC | No |
| TMK 13–00765 | 01/18/2017 | 10/19/2025 | XEON | Intel Corporation | No |
| TMK 13–00765 | 01/18/2017 | 10/19/2025 | XEON | Intel Corporation | No |
| TMK 13–01287 | 01/11/2017 | 11/27/2026 | PPL AND DESIGN | NSK BEARINGS | No |
| TMK 13–01287 | 01/11/2017 | 11/27/2026 | PPL AND DESIGN | NSK BEARINGS | No |
| TMK 14–00268 | 01/19/2017 | 01/29/2027 | Warrior Head Logo (2010) | CHURCH & DWIGHT CO., INC. | No |
| TMK 14–00268 | 01/19/2017 | 01/29/2027 | Warrior Head Logo (2010) | CHURCH & DWIGHT CO., INC. | No |
| TMK 14–00535 | 01/12/2017 | 01/16/2027 | ARBONNE | ARBONNE INTERNATIONAL, LLC | No |
| TMK 14–00535 | 01/12/2017 | 01/16/2027 | ARBONNE | ARBONNE INTERNATIONAL, LLC | No |
| TMK 14–01009 | 01/05/2017 | 01/10/2027 | VACHERON CONSTANTIN & Design | Richemont International | No |
| TMK 14–01009 | 01/05/2017 | 01/10/2027 | VACHERON CONSTANTIN | Richemont International | No |

CBP IPR RECORDATION — FEBRUARY 2017

| Recordation No. | Effective Date | Expiration Date | Name of Cop/Tmk/Tnm | Owner Name | GM Restricted |
|------------------------|-----------------------|------------------------|--|---|----------------------|
| TMK 14–01147 | 01/19/2017 | 02/12/2027 | KENSINGTON | ACCO BRANDS CORPORATION | No |
| TMK 14–01147 | 01/19/2017 | 02/12/2027 | KENSINGTON | ACCO BRANDS CORPORATION | No |
| TMK 16–00868 | 01/03/2017 | 12/19/2026 | ULTRALITE | Carbo Ceramics Inc. | No |
| TMK 16–00868 | 01/03/2017 | 12/19/2026 | ULTRALITE | Carbo Ceramics Inc. | No |
| TMK 17–00001 | 01/03/2017 | 01/02/2020 | CARPET FRESH | HPD Laboratories, Inc. DBA GlobalHousehold Brands, Inc. | No |
| TMK 17–00002 | 01/03/2017 | 01/15/2024 | WD-40 AND SHIELD DESIGN (YELLOW, BLUE) | WD-40 Manufacturing Company | No |
| TMK 17–00003 | 01/05/2017 | 08/31/2026 | SEAPORT GLOBAL | Seaport Global Holdings LLC | No |
| TMK 17–00004 | 01/05/2017 | 11/23/2026 | COOL COLORS BY HORNSCHUCH and Design | Konrad Hornschuch AG | No |
| TMK 17–00005 | 01/05/2017 | 09/21/2026 | CANNAPRO | SKYLINE L.L.C. | No |
| TMK 17–00006 | 01/05/2017 | 12/04/2021 | MAGLITE | MAG INSTRUMENT, INC. | No |
| TMK 17–00007 | 01/05/2017 | 06/25/2018 | BELVEDERE | Polmos Zyrardow spolka z ograniczona odpowiedzialnoscia | No |
| TMK 17–00008 | 01/05/2017 | 04/16/2021 | ENTERISOL | Boehringer Ingelheim Vetmedica GmbH | No |
| TMK 17–00009 | 01/05/2017 | 03/30/2027 | JAMES AVERY | JAMES AVERY CRAFTSMAN, INC. | No |
| TMK 17–00010 | 01/05/2017 | 10/13/2022 | VEUVE CLICQUOT PONSARDIN | MHCS | No |
| TMK 17–00011 | 01/05/2017 | 02/14/2026 | DOM PÉRIGNON (Stylized) | MOET HENNESSY USA, INC. | No |
| TMK 17–00012 | 01/05/2017 | 09/17/2018 | PULMICORT FLEXHALER | ASTRAZENECA AB | No |

CBP IPR RECORDATION — FEBRUARY 2017

| Recordation No. | Effective Date | Expiration Date | Name of Cop/Tmk/Tnm | Owner Name | GM Restricted |
|------------------------|-----------------------|------------------------|--|---------------------------------|----------------------|
| TMK 17-00013 | 01/05/2017 | 03/28/2020 | FASLODEX | ASTRAZENECA UK LIMITED | No |
| TMK 17-00014 | 01/05/2017 | 09/24/2018 | MAKIN BACON | A de F Ltd. | No |
| TMK 17-00015 | 01/06/2017 | 01/11/2027 | THE YES! BUTTON | Zany Toys LLC | No |
| TMK 17-00016 | 01/06/2017 | 12/06/2026 | THE MAYBE BUTTON | Zany Toys LLC | No |
| TMK 17-00017 | 01/06/2017 | 12/06/2026 | THE SORRY BUTTON | Zany Toys LLC | No |
| TMK 17-00018 | 01/06/2017 | 03/20/2026 | GLENMORANGIE | Macdonald & Muir Limited T | No |
| TMK 17-00019 | 01/06/2017 | 07/22/2019 | HENNESSY | MOET HENNESSY USA, INC. | No |
| TMK 17-00020 | 01/06/2017 | 05/22/2023 | KRUG | MHCS | No |
| TMK 17-00021 | 01/06/2017 | 05/20/2019 | MOET & CHANDON | MOET HENNESSY USA, INC. | No |
| TMK 17-00022 | 01/06/2017 | 07/04/2020 | RUINART | KRUG, VINS FINS DE CHAMPAGNE | No |
| TMK 17-00023 | 01/06/2017 | 06/21/2020 | VEUVE CLICQUOT | MHCS | No |
| TMK 17-00024 | 01/06/2017 | 10/05/2026 | ETIENNE AIGNER and Design | ETIENNE AIGNER, INC. | No |
| TMK 17-00025 | 01/06/2017 | 03/07/2024 | DESIGN ONLY - CIRCUMFERENTIAL INSCRIPTION ON HEAD OF A FLASH-LIGHT | MAG INSTRUMENT, INC. | No |
| TMK 17-00026 | 01/06/2017 | 08/25/2023 | SNAPPI | SNAPPI HOLDINGS (PTY) LTD | No |
| TMK 17-00027 | 01/10/2017 | 12/10/2026 | MUSTANG Horse & Bars | FORD MOTOR COMPANY | No |
| TMK 17-00028 | 01/10/2017 | 07/23/2022 | UPSHER-SMITH | Upsher-Smith Laboratories. Inc. | No |
| TMK 17-00029 | 01/10/2017 | 12/06/2024 | UPSHER-SMITH | UPSHER-SMITH LABORATORIES, INC. | No |
| TMK 17-00030 | 01/10/2017 | 03/02/2024 | LIPO-6 | Nutrex Research, Inc. | No |

CBP IPR RECORDATION — FEBRUARY 2017

| Recordation No. | Effective Date | Expiration Date | Name of Cop/Tmk/Tnm | Owner Name | GM Restricted |
|------------------------|-----------------------|------------------------|----------------------------|--|----------------------|
| TMK 17-00031 | 01/10/2017 | 02/02/2021 | NUTREX RESEARCH and Design | Nutrex Research, Inc. | No |
| TMK 17-00032 | 01/10/2017 | 02/02/2021 | NUTREX RESEARCH and Design | Nutrex Research, Inc. | No |
| TMK 17-00033 | 01/10/2017 | 08/26/2022 | METACAM | Boehringer Ingelheim Vetmedica GmbH | No |
| TMK 17-00034 | 01/10/2017 | 09/20/2020 | INGELVAC | Boehringer Ingelheim Vetmedica GmbH | No |
| TMK 17-00035 | 01/10/2017 | 02/17/2020 | VETERA | Boehringer Ingelheim Vetmedica GmbH | No |
| TMK 17-00036 | 01/10/2017 | 01/27/2020 | PRASCEND | BOEHRINGER INGELHEIM VET-MEDICA GMBH | No |
| TMK 17-00037 | 01/10/2017 | 03/08/2020 | CURA HONGOS plus Design | PHARMADEL, LLC | No |
| TMK 17-00038 | 01/10/2017 | 09/04/2023 | KADCYLA | Genentech, Inc. | No |
| TMK 17-00039 | 01/10/2017 | 07/29/2024 | GAZYVA | GENENTECH, INC. | No |
| TMK 17-00040 | 01/10/2017 | 10/03/2022 | ERIVEDGE | GENENTECH, INC. | No |
| TMK 17-00041 | 01/10/2017 | 09/28/2026 | FINEWARE | Hittin' The Web Group, LLC | No |
| TMK 17-00042 | 01/10/2017 | 09/10/2023 | ALEGACY | Alegacy Foodservice Products Group, Inc. | No |
| TMK 17-00043 | 01/10/2017 | 02/01/2022 | UPSHER-SMITH | Upsher-Smith Laboratories, Inc. | No |
| TMK 17-00044 | 01/11/2017 | 08/12/2025 | KINWONG | KINWONG, LLC | No |
| TMK 17-00045 | 01/12/2017 | 04/10/2027 | 3-D BOTTLE DESIGN | Can't Live Without It, Inc. | No |
| TMK 17-00046 | 01/12/2017 | 01/27/2026 | RICHARD SCARRY | The Richard Scarry Corporation AG | No |
| TMK 17-00047 | 01/17/2017 | 02/07/2027 | JOHN CENA | World Wrestling Entertainment, Inc. | No |
| TMK 17-00048 | 01/17/2017 | 12/11/2022 | WD-40 SPECIALIST | WD-40 Manufacturing Company | No |
| TMK 17-00049 | 01/17/2017 | 03/10/2027 | REVERSA | DERMTEK PHARMA INC. | No |

CBP IPR RECORDATION — FEBRUARY 2017

| Recordation No. | Effective Date | Expiration Date | Name of Cop/Tmk/Tnm | Owner Name | GM Restricted |
|------------------------|-----------------------|------------------------|--|-----------------------------|----------------------|
| TMK 17-00050 | 01/17/2017 | 04/19/2019 | KOOL (Stylized) | ITG BRANDS, LLC | No |
| TMK 17-00051 | 01/17/2017 | 09/11/2022 | Design only | ITG BRANDS, LLC | No |
| TMK 17-00052 | 01/17/2017 | 07/24/2022 | ESBRIET | GENENTECH, INC. | No |
| TMK 17-00053 | 01/17/2017 | 06/08/2026 | COTELLIC | GENENTECH, INC. | No |
| TMK 17-00054 | 01/17/2017 | 01/18/2022 | ZELBORAF | Genentech, Inc. | No |
| TMK 17-00055 | 01/17/2017 | 04/24/2026 | TNKASE | GENENTECH, INC. | No |
| TMK 17-00056 | 01/17/2017 | 11/18/2025 | DESIGN ONLY (GREEN PIPE DESIGN) | aquatherm GmbH | No |
| TMK 17-00057 | 01/17/2017 | 02/01/2027 | PRODUCE OF MEXICO DON HUGO GREEN LIST LISTA VERDE and Design | J.L. Gonzalez Produce, Inc. | No |
| TMK 17-00058 | 01/18/2017 | 02/12/2023 | KITCHENAID | Whirlpool Properties, Inc. | No |
| TMK 17-00059 | 01/18/2017 | 12/22/2025 | SIMPLY FIT BOARD | Clark, Linda | No |
| TMK 17-00060 | 01/18/2017 | 12/20/2021 | AMERICAN QUALITY MAVERICK CIGARETTES and Design | ITG BRANDS, LLC | No |
| TMK 17-00061 | 01/18/2017 | 12/20/2021 | AMERICAN QUALITY MAVERICK CIGARETTES and Design | ITG BRANDS, LLC | No |
| TMK 17-00062 | 01/18/2017 | 12/20/2021 | AMERICAN QUALITY MAVERICK CIGARETTES and Design | ITG BRANDS, LLC | No |
| TMK 17-00063 | 01/18/2017 | 12/20/2021 | AMERICAN QUALITY MAVERICK CIGARETTES and Design | ITG BRANDS, LLC | No |
| TMK 17-00064 | 01/18/2017 | 04/24/2022 | DESIGN ONLY | ITG BRANDS, LLC | No |

CBP IPR RECORDATION — FEBRUARY 2017

| Recordation No. | Effective Date | Expiration Date | Name of Cop/Tmk/Tnm | Owner Name | GM Restricted |
|------------------------|-----------------------|------------------------|--|------------------------------------|----------------------|
| TMK 17–00065 | 01/18/2017 | 04/30/2022 | DESIGN ONLY | ITG BRANDS, LLC | No |
| TMK 17–00066 | 01/18/2017 | 07/26/2026 | WINSTON | ITG Brands, LLC | No |
| TMK 17–00067 | 01/18/2017 | 07/12/2019 | KOOL (Stylized) | ITG BRANDS, LLC | No |
| TMK 17–00068 | 01/19/2017 | 03/22/2020 | FIBRICOR | ARALEZ PHARMACEUTICALS TRADING DAC | No |
| TMK 17–00069 | 01/19/2017 | 04/10/2026 | BRILINTA | AstraZeneca AB | No |
| TMK 17–00070 | 01/19/2017 | 11/09/2026 | MANIX (Stylized) and Design | Koh, Bumjin | No |
| TMK 17–00071 | 01/19/2017 | 02/06/2018 | Joyfull An Inexpensive Approach to Elegant Entertaining and Design | Paulin, Victoria | No |
| TMK 17–00072 | 01/19/2017 | 04/29/2018 | Red Sole (Design Only) | Christian LOUBOUTIN | No |
| TMK 17–00073 | 01/19/2017 | 11/14/2027 | Design only. | ITG BRANDS, LLC | No |
| TMK 17–00074 | 01/19/2017 | 01/23/2023 | PERJETA | GENENTECH, INC. | No |
| TMK 17–00075 | 01/19/2017 | 03/03/2024 | CHRISTIAN LOUBOUTIN (Stylized) | Christian LOUBOUTIN | No |
| TMK 17–00076 | 01/19/2017 | 03/14/2021 | CHRISTIAN LOUBOUTIN | Christian LOUBOUTIN | No |
| TMK 17–00077 | 01/19/2017 | 12/27/2021 | CHRISTIAN LOUBOUTIN (Stylized) | Christian LOUBOUTIN | No |
| TMK 17–00078 | 01/19/2017 | 02/16/2021 | Louboutin - Sneaker Sole Device & Design (Stylized Mark) | Christian LOUBOUTIN | No |
| TMK 17–00079 | 01/19/2017 | 12/19/2026 | KIMPRO | Kimber IP, LLC | No |
| TMK 17–00080 | 01/19/2017 | 12/10/2022 | Design only. | ITG BRANDS, LLC | No |

CBP IPR RECORDATION — FEBRUARY 2017

| Recordation No. | Effective Date | Expiration Date | Name of Cop/Tmk/Tnm | Owner Name | GM Restricted |
|------------------------|-----------------------|------------------------|---|---|----------------------|
| TMK 17-00081 | 01/19/2017 | 11/23/2021 | AMERICAN QUALITY MAVERICK CIGARETTES & Design | ITG BRANDS, LLC | No |
| TMK 17-00082 | 01/19/2017 | 11/23/2026 | TECENTRIQ | GENENTECH, INC. | No |
| TMK 17-00083 | 01/19/2017 | 02/12/2024 | Red Sole (Design Only) | Louboutin, Christian | No |
| TMK 17-00084 | 01/19/2017 | 11/12/2018 | SALEM & Design | ITG BRANDS, LLC | No |
| TMK 17-00085 | 01/24/2017 | 02/26/2024 | LOUBOUTIN (Stylized) | Louboutin, Christian | No |
| TMK 17-00086 | 01/24/2017 | 07/18/2026 | U Drum and Feather Design | The University of Utah BODY POLITIC AND A | No |
| TMK 17-00087 | 01/24/2017 | 10/05/2026 | DESIGN ONLY (HAIR COMB) | PARK WAY CO.,LTD. | No |
| TMK 17-00088 | 01/24/2017 | 12/30/2024 | SPECK | SPECK PUMPEN VERKAUFSGESELLSCHAFT GMBH | No |
| TMK 17-00089 | 01/24/2017 | 04/22/2018 | OGIO (Stylized) | Ogio International, Inc. | No |
| TMK 17-00090 | 01/24/2017 | 03/20/2027 | SERIOUSLY ICE COLD | SIC PRODUCTS, LLC DBA SIC CUPS | No |
| TMK 17-00091 | 01/24/2017 | 01/17/2021 | CHUPA CHUPS and Design | PERFETTI VAN MELLE SPA | No |
| TMK 17-00092 | 01/25/2017 | 07/19/2025 | BUBBLE LAMPS | HERMAN MILLER, INC. | No |
| TMK 17-00093 | 01/25/2017 | 04/18/2021 | CIGAR | HERMAN MILLER, INC. | No |
| TMK 17-00094 | 01/26/2017 | 01/18/2027 | PETER JACOBS | PETER JACOBS PARFUM | No |
| TMK 17-00095 | 01/26/2017 | 06/12/2023 | METAL | Metal Jeans, Inc. | No |
| TMK 17-00096 | 01/26/2017 | 07/05/2021 | Design Only (Configuration of a Lamp) | HERMAN MILLER, INC. | No |
| TMK 17-00097 | 01/26/2017 | 03/20/2027 | HOME VALOR | Hills Forest LLC | No |

CBP IPR RECORDATION — FEBRUARY 2017

| Recordation No. | Effective Date | Expiration Date | Name of Cop/Tmk/Tnm | Owner Name | GM Restricted |
|------------------------|-----------------------|------------------------|---|---------------------------------------|----------------------|
| TMK 17-00098 | 01/26/2017 | 11/09/2021 | SAUCER | HERMAN MILLER, INC. | No |
| TMK 17-00099 | 01/26/2017 | 11/30/2021 | AMERICAN QUALITY MAVERICK CIGARETTES & Design | ITG BRANDS, LLC | No |
| TMK 17-00100 | 01/26/2017 | 03/16/2025 | TYME | TYME LLC | No |
| TMK 17-00101 | 01/26/2017 | 01/20/2026 | NICOLE LEE | NICOLE, INC. | No |
| TMK 17-00102 | 01/26/2017 | 01/08/2024 | PODS | The Procter & Gamble Company | No |
| TMK 17-00103 | 01/27/2017 | 10/27/2025 | 3M (Stylized) | 3M COMPANY | No |
| TMK 17-00104 | 01/27/2017 | 03/08/2022 | 3M (Stylized) | 3M Company | No |
| TMK 17-00105 | 01/27/2017 | 05/25/2023 | ADPER | 3M COMPANY | No |
| TMK 17-00106 | 01/27/2017 | 09/30/2021 | ESPE | 3M DEUTSCHLAND GMBH | No |
| TMK 17-00107 | 01/27/2017 | 11/01/2020 | FILTEK | 3M COMPANY | No |
| TMK 17-00108 | 01/30/2017 | 12/09/2023 | VALCYTE | Hoffmann-La Roche Inc. | No |
| TMK 17-00109 | 01/30/2017 | 08/05/2025 | LE LIS | GILLI, INC. | No |
| TMK 17-00110 | 01/30/2017 | 12/16/2018 | NATURE TECH | Foster Poultry Farms DBA Foster Farms | No |
| TMK 17-00111 | 01/30/2017 | 02/07/2027 | LUCENTIS | GENENTECH, INC. | No |
| TMK 17-00112 | 01/30/2017 | 09/24/2026 | ACTIVASE | GENENTECH, INC. | No |
| TMK 17-00113 | 01/30/2017 | 11/27/2022 | CATHFLO | GENENTECH, INC. | No |
| TMK 17-00114 | 01/30/2017 | 04/24/2027 | ATLANTA HAWKS BASKETBALL CLUB plus Design | Atlanta Hawks, LP Hawks Management, | No |
| TMK 17-00115 | 01/30/2017 | 07/11/2025 | CELLCEPT | Hoffmann-La Roche Inc | No |

CBP IPR RECORDATION — FEBRUARY 2017

| Recordation No. | Effective Date | Expiration Date | Name of Cop/Tmk/Tnm | Owner Name | GM Restricted |
|------------------------|-----------------------|------------------------|----------------------------|--|----------------------|
| TMK 17-00116 | 01/30/2017 | 05/02/2020 | PILLO1 | Hall Innovations, LLC | No |
| TMK 17-00117 | 01/30/2017 | 10/16/2026 | INVIRASE | HOFFMANN-LA ROCHE INC. | No |
| TMK 17-00118 | 01/31/2017 | 04/24/2027 | 1HOME | TEXAS SHAHANI LLC | No |
| TMK 17-00119 | 01/31/2017 | 02/16/2021 | GRATITUDE ATTITUDE | Swartz, Judy B. | No |
| TMK 17-00120 | 01/31/2017 | 04/10/2027 | CORE DE FORCE | Beachbody, LLC | No |
| TMK 17-00121 | 01/31/2017 | 02/27/2021 | ZOLADEX | ASTRAZENECA UK LIMITED | No |
| TMK 17-00122 | 01/31/2017 | 07/05/2026 | TAGRISSO | AstraZeneca AB | No |
| TMK 17-00123 | 01/31/2017 | 10/05/2026 | BEVESPI AEROSPHERE | AstraZeneca AB | No |
| TMK 88-00162 | 01/06/2017 | 07/15/2026 | MINI MAGLITE | MAG INSTRUMENT, INC. | No |
| TMK 88-00162 | 01/06/2017 | 07/15/2026 | MINI MAGLITE | MAG INSTRUMENT, INC. | No |
| TMK 91-00019 | 01/13/2017 | 11/26/2026 | HARLEY | H-D U.S.A., LLC | No |
| TMK 91-00019 | 01/13/2017 | 11/26/2026 | HARLEY | H-D U.S.A., LLC | No |
| TMK 93-00233 | 01/11/2017 | 02/04/2027 | FERRERO ROCHER & DESIGN | FERRERO S.P.A. | No |
| TMK 93-00233 | 01/11/2017 | 02/04/2027 | FERRERO ROCHER & DESIGN | FERRERO S.P.A. | No |
| TMK 93-00780 | 01/24/2017 | 02/04/2027 | GAP KIDS | GAP (APPAREL), LLC | No |
| TMK 93-00780 | 01/24/2017 | 02/04/2027 | GAP KIDS | GAP (APPAREL), LLC | No |
| TMK 96-00122 | 01/24/2017 | 05/24/2027 | ALABAMA | BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA | No |
| TMK 96-00122 | 01/24/2017 | 05/24/2027 | ALABAMA | BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA | No |

CBP IPR RECORDATION — FEBRUARY 2017

| Recordation No. | Effective Date | Expiration Date | Name of Cop/Tmk/Tnm | Owner Name | GM Restricted |
|------------------------|-----------------------|------------------------|-------------------------------|---|----------------------|
| TMK 97-00058 | 01/30/2017 | 01/30/2027 | U (WITHIN A CIRCLE) | UNION OF ORTHODOX JEWISH CONGREGATIONS OF AMERICA | No |
| TMK 97-00058 | 01/30/2017 | 01/30/2027 | U (WITHIN A CIRCLE) | UNION OF ORTHODOX JEWISH CONGREGATIONS OF AMERICA | No |
| TMK 97-00672 | 01/10/2017 | 10/01/2017 | CONFIGURATION OF A FLASHLIGHT | MAG INSTRUMENT, INC. | No |
| TMK 97-00672 | 01/10/2017 | 10/01/2017 | CONFIGURATION OF A FLASHLIGHT | MAG INSTRUMENT, INC. | No |

**PROPOSED REVOCATION OF TWO RULING LETTERS
AND PROPOSED REVOCATION OF TREATMENT
RELATING TO THE TARIFF CLASSIFICATION OF
CERTAIN NON-MOTORIZED KNEE SCOOTERS**

AGENCY: U.S. Customs and Border Protection; Department of Homeland Security.

ACTION: Notice of proposed revocation of two ruling letters and proposed revocation of treatment relating to the tariff classification of certain non-motorized knee scooters.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. §1625 (c)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) is proposing to revoke two ruling letters concerning the tariff classification of non-motorized knee scooters, under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions. Comments are invited on the correctness of the proposed actions.

DATE: Comments must be received on or before April 7, 2017.

ADDRESS: Written comments are to be addressed to the U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Attention: Trade and Commercial Regulations Branch, 90 K Street, N.E., 10th Floor, Washington, D.C. 20229–1177. Submitted comments may be inspected at the above address during regular business hours. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325–0118.

FOR FURTHER INFORMATION CONTACT: Alben Peters, Tariff Classification and Marking Branch at (202) 325–0321.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1993, Title VI, (Customs Modernization), of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057) (hereinafter “Title VI”), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are “**informed compliance**” and “**shared responsibility**.” These concepts are premised on the idea that in order to maximize voluntary

compliance with customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on CBP to provide the public with improved information concerning the trade community's responsibilities and rights under the customs and related laws. In addition, both the trade and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. §1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057), this notice advises interested parties that CBP is proposing to revoke two rulings pertaining to the tariff classification of certain non-motorized knee scooters. Although in this notice, CBP is specifically referring to New York Ruling Letter (NY) N246495, dated Oct. 18, 2013 (Attachment A) and NY N182928, dated Sept. 26, 2011 (Attachment B), this notice covers any rulings on this merchandise which may exist but have not been specifically identified. CBP has undertaken reasonable efforts to search existing data bases for rulings in addition to the ones identified. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice should advise CBP during the notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. §1625(c)(2)), as amended by section 623 of Title VI, CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should advise CBP during this notice period. An importer's failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of the final decision on this notice.

In NY N246495 and NY N182928, CBP determined, in relevant part, that certain non-motorized knee scooters are classified under subheading 8716.80.50, HTSUS, which provides for: "Trailers and semi-trailers; other vehicles, not mechanically propelled; and parts thereof: Other vehicles: Other." It is now CBP's position that these

non-motorized knee scooters are classified under subheading 9021.10.00, HTSUS, which covers “Orthopedic appliances, including crutches, surgical belts and trusses; . . . parts and accessories thereof: Orthopedic or fracture appliances, and parts and accessories thereof.”

Pursuant to 19 U.S.C. §1625(c)(1), CBP is proposing to revoke NY N246495, NY N182928, and any other ruling not specifically identified, to reflect the tariff classification of the subject merchandise according to the analysis contained in proposed Headquarters Ruling Letter (HQ) H280343, set forth as Attachment C to this notice.

Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is proposing to revoke any treatment previously accorded by CBP to substantially identical transactions. Before taking this action, consideration will be given to any written comments timely received.

Dated: November 07, 2016

GREG CONNOR

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

Attachments

[ATTACHMENT A]

N246495

October 18, 2013

CLA-2-87:OT:RR:NC:N1:121

CATEGORY: Classification

TARIFF NO.: 8716.80.5090

MR. JOHN C. CARROLL
JOHN M. BRINING CO., INC.
202 CONGRESS STREET
MOBILE, AL 36603

RE: The tariff classification of a non-motorized knee scooter from China

DEAR MR. CARROLL:

In your letter dated September 20, 2013, you requested a tariff classification ruling on behalf of Wheelchair Plus Mobility Solutions.

The merchandise under consideration is described as a "Knee Walker." It is a non-motorized knee scooter which serves to provide greater mobility to people with leg injuries. It includes a steel frame, polyurethane knee cushion, four wheels, handlebar, hand break and front basket.

The applicable subheading for the non-motorized knee walker will be 8716.80.5090, Harmonized Tariff Schedule of the United States (HTSUS), which provides for trailers and semi-trailers; other vehicles, not mechanically propelled; and parts thereof, other vehicles, other, other, other. The rate of duty will be 3.2 percent ad valorem.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on World Wide Web at <http://www.usitc.gov/tata/hts/>.

This ruling is being issued under the provisions of Part 177 of the Customs Regulations (19 C.F.R. 177).

A copy of the ruling or the control number indicated above should be provided with the entry documents filed at the time this merchandise is imported. If you have any questions regarding the ruling, contact National Import Specialist Barbara Kaiser at (646) 733-3024.

Sincerely,

GWENN KLEIN KIRSCHNER

Acting Director

National Commodity Specialist Division

[ATTACHMENT B]

N182928

September 26, 2011

CLA-2-87:OT:RR:NC:N1:101

CATEGORY: Classification

TARIFF NO.: 8716.80.5090

JOHN C. CARROLL, CUSTOMS HOUSE BROKER
JOHN M. BRINING COMPANY, INC.
202 CONGRESS STREET
MOBILE, AL 36603-6408

RE: The tariff classification of a non-motorized scooter from China

DEAR MR. CARROLL,

In your letter dated August 31, 2011, you requested a tariff classification ruling on behalf of Wheelchairs Plus Mobility Solutions, LLC of Evans, Georgia.

The item under consideration is a Knee Scooter. You state that the Knee Scooter will assist people who may have broken bones or strains below the knee. It will allow people greater mobility in their homes, in malls and in stores. The weight capacity of the Knee Scooter is approximately 300 pounds. It contains four (4) Polyurethane (PU) wheel frames and PU tires. The frame and attached front basket are made of steel. The seat is filled with water-blown PU and covered in leather. The front handlebars have an operator-activated cable braking system.



The applicable classification subheading for the Knee Scooter will be 8716.80.5090, Harmonized Tariff Schedule of the United States (HTSUS), which provides for "... other vehicles, not mechanically propelled ...: Other vehicles: Other: Other: Other." The rate of duty will be 3.2%.

Duty rates are provided for your convenience and are subject to change. The text of the most recent Harmonized Tariff Schedule of the United States and the accompanying duty rates are provided on the World Wide Web at <http://ww.usitc.gov/tata/hts/>.

This ruling is being issued under the provisions of Part 177 of the Customs Regulations (19 C.F.R. 177).

A copy of the ruling or the control number indicated above should be provided with the entry documents filed at the time this merchandise is imported. If you have any questions regarding the ruling, contact National Import Specialist Richard Laman at 646-733-3017.

Sincerely,

ROBERT B. SWIERUPSKI

Director

National Commodity Specialist Division

[ATTACHMENT C]

HQ H280343

CLA-2 OT:RR:CTF:TCM H280343 AP

CATEGORY: Classification

TARIFF NO.: 9021.10.00

TROY CHARNEY

WHEELCHAIR PLUS MOBILITY SOLUTIONS

770 INDUSTRIAL PARK ROAD

EVANS, GA 30909-3697

RE: Revocation of NY N246495 and NY N182928; Tariff classification of non-motorized knee scooters designed to provide stable mobility to patients recovering from leg injuries.

DEAR MR. CHARNEY:

This is to inform you that U.S. Customs and Border Protection (CBP) has reconsidered New York Ruling Letters (NY) N246495, dated Oct.18, 2013, and NY182928, dated Sept. 26, 2011, regarding the classification, under the Harmonized Tariff Schedule of the United States (HTSUS), of non-motorized knee scooters designed to provide stable mobility to patients recovering from leg injuries. In NY N246495, CBP classified the knee scooter under subheading 8716.80.50, HTSUS, which provides for: "Trailers and semi-trailers; other vehicles, not mechanically propelled; and parts thereof: Other vehicles: Other." CBP reached the same conclusion regarding the classification of substantially similar merchandise in NY182928.

We have determined that both rulings are in error with respect to the classification of the non-motorized knee scooters. Therefore, this ruling revokes NY N246495 and NY N182928 pursuant to the following analysis.

FACTS:

The merchandise at issue in NY N246495 is described as "a non-motorized knee scooter which serves to provide greater mobility to people with leg injuries. It includes a steel frame, polyurethane knee cushion, four wheels, handlebar, hand break and front basket."

The merchandise at issue in NY N182928 is described as a knee scooter that "will assist people who may have broken bones or strains below the knee. It will allow people greater mobility in their homes, in malls and in stores. The weight capacity of the Knee Scooter is approximately 300 pounds. It contains (4) Polyurethane (PU) wheel frames and PU tires. The frame and attached front basket are made of steel. The seat is filled with water-blown PU and covered in leather. The front handlebars have an operator-activated cable braking system."

ISSUE:

Whether the subject knee scooters are classifiable as an orthopedic appliance under heading 9021, HTSUS, or a vehicle of heading 8716, HTSUS.

LAW AND ANALYSIS:

Classification under the HTSUS is made in accordance with the General Rules of Interpretation (GRI). GRI 1 provides that the classification of goods shall be determined according to the terms of the headings of the tariff schedule and any relative section or chapter notes. In the event that the

goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRIs 2 through 6 may then be applied in order. The HTSUS provisions under consideration in this case are as follows:

| | |
|------------|---|
| 8716 | Trailers and semi-trailers; other vehicles, not mechanically propelled; and parts thereof: |
| 8716.80 | Other vehicles: |
| 8716.80.50 | Other: |
| | * * * |
| 9021 | Orthopedic appliances, including crutches, surgical belts and trusses; splints and other fracture appliances; artificial parts of the body; hearing aids and other appliances which are worn or carried, or implanted in the body, to compensate for a defect or disability; parts and accessories thereof: |
| 9021.10.00 | Orthopedic or fracture appliances, and parts and accessories thereof. |
| | * * * |

Note 2(g) to Section XVII, HTSUS, excludes, “Articles of chapter 90.” Note 6 to Chapter 90, HTSUS provides, in pertinent part, as follows:

For the purposes of heading 9021, the expression “*orthopedic appliances*” means appliances for:

- (a) Preventing or correcting bodily deformities; or
- (b) Supporting or holding parts of the body following an illness, operation or injury . . .

In interpreting the HTSUS, the Harmonized Commodity Description and Coding System Explanatory Notes (ENs) may be utilized. The ENs, though not dispositive or legally binding, provide commentary on the scope of each heading of the HTSUS, and are the official interpretation of the Harmonized System at the international level. *See* T.D. 89–80, 54 Fed. Reg. 35127, 35128 (Aug. 23, 1989). The ENs to heading 8716, HTSUS state, in pertinent part, the following:

This heading **does not cover**:

- (a) Walking aids known as “walker-rollators”, which generally consist of a tubular metal frame on three or four wheels (some or all of which may swivel), handles and hand-brakes (**heading 90.21**).
- (b) Small wheeled-containers (e.g., wheeled-baskets) of basketwork, metal, etc., not incorporating a chassis, of a kind used in shops (classification according to their constituent material).

The ENs to heading 9021, HTSUS state, in pertinent part, that:

Orthopaedic appliances are defined in Note 6 to this Chapter. These are appliances for:

- Preventing or correcting bodily deformities; or
- Supporting or holding parts of the body following an illness, operation or injury.

They include:

- (1) Appliances for hip diseases (coxalgia, etc.).

- (2) Humerus splints (to enable use of an arm after resection),
(extension splints).
* * *
- (8) Orthopaedic foot appliances (talipes appliances, leg braces, with
or without spring support for the foot, surgical boots, etc.).
* * *

This group also includes crutches and crutch-sticks (it should, however, be noted that ordinary walking-sticks, even if specially made for disabled persons, are **excluded (heading 66.02)**.)

This group further includes walking aids known as “walker-rollators”, which provide support for the users as they push them. They generally consist of a tubular metal frame on three or four wheels (some or all of which may swivel), handles and hand-brakes. “Walker-rollators” can be adjustable in height and can be equipped with a seat between the handles and with a wire basket for carrying personal items. The seat allows the user to take short rest breaks whenever necessary.

In the instant case, if the non-motorized knee scooters are *prima facie* classifiable under heading 9021, HTSUS, taking into account the heading text and Note 6 to Chapter 90, HTSUS, which cover orthopedic appliances for supporting or holding parts of the body following an illness, operation, or injury, then they cannot be classified under heading 8716, HTSUS by virtue of Note 2(g) to Section XVII, HTSUS, which excludes, “Articles of chapter 90.” In NY N243278, dated July 18, 2013, a wheeled walker with a seat similar to a walker-rollator designed for “individuals who want to maintain an active lifestyle and require a little assistance to do so” was classified in heading 9021, HTSUS. In NY N235453, dated Dec. 12, 2012, two walkers and two rollators were classified as orthopedic appliances in heading 9021, HTSUS. In NY 816012, dated Nov. 2, 1995, a wheeled walker with a folding seat to allow the user to sit and rest was classified in heading 9021, HTSUS.

Like the merchandise subject to NY N243278, NY N235453 and NY 816012, the subject knee scooters are walking aids, which are designed or configured to support the weight of the user to enable greater mobility to people with leg injuries. The knee scooters are also similar to the “walker-rollators” described in the ENs. The knee scooter in NY N246495 consists of a steel frame, polyurethane knee cushion, four wheels, handlebar, hand break, and front basket. The knee scooter in NY182928 contains four PU wheel frames and PU tires; an operator-activated cable braking system; a steel frame and a front basket; and a leather seat filled with water-blown PU. Given their design, the subject non-motorized knee scooters provide support to users as they push them, which meets the terms of Note 6 to Chapter 90, HTSUS, as orthopedic appliances designed to support parts of the body following an injury. The non-motorized knee scooters are not designed for transportation, which is a characteristic of “other vehicles” of heading 8716, HTSUS, inasmuch as the subject merchandise is not designed to be ridden by the user. Rather, the subject knee scooters serve as alternative to crutches or the aforementioned “walker-rollators.”

Based on the foregoing, we find that the subject non-motorized knee scooters meet the terms of heading 9021, HTSUS, as orthopedic appliances and are specifically provided for in subheading 9021.10.00, HTSUS, which provides for “Orthopedic appliances, including crutches, surgical belts and

trusses; . . . parts and accessories thereof: Orthopedic or fracture appliances, and parts and accessories thereof.” Accordingly, they are excluded from classification under heading 8716, HTSUS, by virtue of Note 2(g) to Section XVII, HTSUS.

HOLDING:

By application of GRI 1 (Note 6 to Chapter 90), the subject non-motorized knee scooters are provided for in heading 9021, HTSUS, which provides for “Orthopedic appliances, including crutches, surgical belts and trusses; splints and other fracture appliances; artificial parts of the body; hearing aids and other appliances which are worn or carried, or implanted in the body, to compensate for a defect or disability; parts and accessories thereof.” The non-motorized knee scooters are specifically provided for in subheading 9021.10.00, HTSUS, which provides for “Orthopedic appliances, including crutches, surgical belts and trusses; splints and other fracture appliances; artificial parts of the body; hearing aids and other appliances which are worn or carried, or implanted in the body, to compensate for a defect or disability; parts and accessories thereof: Orthopedic or fracture appliances, and parts and accessories thereof.” The column one, general rate of duty is *free*.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided at www.usitc.gov.

EFFECT ON OTHER RULINGS:

NY N246495, dated Oct. 18, 2013, and NY N182928, dated Sept. 26, 2011, are hereby REVOKED.

Sincerely,

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

**WITHDRAWAL OF PROPOSED REVOCATION OF A RULING
LETTER AND PROPOSED REVOCATION OF TREATMENT
RELATING TO THE TARIFF CLASSIFICATION OF
CERTAIN PLASTIC RAINWEAR**

AGENCY: U.S. Customs and Border Protection; Department of Homeland Security.

ACTION: Withdrawal of notice of proposed revocation of treatment relating to tariff classification of certain plastic rainwear.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625 (c)), as amended by Section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub.L. 103–182, 107 Stat. 2057), Customs and Border Protection (CBP) proposed to revoke one ruling letter relating to the tariff classification of certain plastic rainwear under the Harmonized Tariff Schedule of the United States (HTSUS). Notice of the proposed action

was published in the *Customs Bulletin*, Vol. 50, No. 25, on June 22, 2016. One comment was received in response to the notice. After further review, we have determined that no modification of the subject ruling is necessary.

EFFECTIVE DATE: This action is effective immediately.

FOR FURTHER INFORMATION CONTACT: Grace A. Kim, Tariff Classification and Marking Branch, Regulations and Rulings, Office of Trade, at (202) 325–7941.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On December 8, 1993, Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057) (hereinafter “Title VI”), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are “**informed compliance**” and “**shared responsibility**.” These concepts are premised on the idea that in order to maximize voluntary compliance with customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on CBP to provide the public with improved information concerning the trade community’s responsibilities and rights under the customs and related laws. In addition, both the trade and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. §1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, a notice was published in the *Customs Bulletin*, Vol. 50, No. 25, on June 22, 2016, proposing to revoke New York Ruling Letter (NY) N247420, dated November 26, 2013, which classified plastic rainwear consisting of an unlined jacket and a pair of trousers in heading 3926, HTSUS, which provides for “[o]ther articles of plastics and articles of other materials of headings 3901 to 3914: Articles of apparel and clothing accessories (including gloves, mittens and mitts): Other: Plastic rainwear, including jackets, coats, ponchos, parkas and slickers, featuring an outer shell of polyvinyl chloride plastic with or without attached hoods, valued not over \$10 per unit.” In the notice of June 22, 2016, we

proposed to revoke the tariff classification of the plastic rainwear. One comment was received in response to the notice. After further examination and testing of the fabric, we have determined that the plastic rainwear is properly classified in subheading 3926.20.60, HTSUS. Therefore, the classification of the plastic rainwear set forth in N247420 is correct.

Pursuant to 19 U.S.C. §1625(c), and 19 C.F.R. §177.7(a), which states, in pertinent part, that “[n]o ruling letter will be issued... in any instance in which it appears contrary to the sound administration of the Customs and related laws to do so”, CBP is withdrawing its proposed modification of NY N247420.

Dated: November 07, 2016

ELIZABETH JUNIOR
for
MYLES B. HARMON,
Director
Commercial and Trade Facilitation Division



19 CFR PART 177

REVOCATION OF ONE RULING LETTER AND REVOCATION OF TREATMENT RELATING TO THE TARIFF CLASSIFICATION OF FOCACCIA

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of revocation of one ruling letter, and of revocation of treatment relating to the tariff classification of focaccia.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. §1625(c)), as amended by section 623 of title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) is revoking one ruling letter concerning tariff classification of focaccia under the Harmonized Tariff Schedule of the United States (HTSUS). Similarly, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Notice of the proposed action was published in the *Customs Bulletin*, Vol. 50, No. 38, on September 21, 2016. No comments were received in response to that notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after May 8, 2017.

FOR FURTHER INFORMATION CONTACT: Parisa J. Ghazi, Tariff Classification and Marking Branch, Regulations and Rulings, Office of Trade, at (202) 325-0272.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On December 8, 1993, Title VI (Customs Modernization), of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057) (“Title VI”), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are “**informed compliance**” and “**shared responsibility**.” These concepts are premised on the idea that in order to maximize voluntary compliance with customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations.

Accordingly, the law imposes a greater obligation on CBP to provide the public with improved information concerning the trade community’s responsibilities and rights under the customs and related laws. In addition, both the public and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics, and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, a notice was published in the *Customs Bulletin*, Vol. 50, No. 38, on September 21, 2016, proposing to revoke one ruling letter pertaining to the tariff classification of focaccia. As stated in the notice, this action will cover New York Ruling Letter (“NY”) J89472, dated October 14, 2003, as well as any rulings on this merchandise which may exist, but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision, or protest review decision) on the merchandise subject to this notice should have advised CBP during the comment period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. §1625(c)(2)), as amended by section 623 of Title VI, CBP is revoking any treatment previously accorded by CBP to substantially identical

transactions. Any person involved in substantially identical transactions should have advised CBP during the comment period. An importer's failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of this notice.

In NY J89472, CBP classified focaccia in heading 1905, HTSUS, specifically in subheading 1905.90.9090, HTSUSA, which provides for "Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty capsules of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products: Other: Other." CBP has reviewed NY J89472 and has determined the ruling letter to be in error. It is now CBP's position that focaccia is properly classified, by operation of GRIs 1 and 6, in heading 1905, HTSUS, specifically in subheading 1905.90.1049, HTSUS, which provides for "Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty capsules of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products: Other: Bread, pastry, cakes, biscuits and similar baked products, and puddings, whether or not containing chocolate, fruit, nuts or confectionary: Frozen: Other."

Pursuant to 19 U.S.C. §1625(c)(1), CBP is revoking NY J89472 and revoking or modifying any other ruling not specifically identified to reflect the analysis contained in Headquarters Ruling Letter ("HQ") H269056, set forth as an attachment to this notice. Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions.

In accordance with 19 U.S.C. §1625(c), this ruling will become effective 60 days after publication in the *Customs Bulletin*.

Dated: November 09, 2016

ELIZABETH JUNIOR

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

Attachment

HQ H269056

November 09, 2016

CLA-2 OT:RR:CTF:TCM H269056 PJG

CATEGORY: Classification

TARIFF NO.: 1905.90.1049

Ms. ALESSANDRA GRASSO
FORNI & FATTORIE USA, LLC
1275 VALLEY BROOK AVENUE
LYNDHURST, NEW JERSEY 07071

RE: Revocation of NY J89472; tariff classification of focaccia from Italy

DEAR Ms. GRASSO:

On October 14, 2003, U.S. Customs and Border Protection (“CBP”) issued to you New York Ruling Letter (“NY”) J89472. The ruling pertains to the tariff classification under the Harmonized Tariff Schedule of the United States (“HTSUS”) of focaccia from Italy. We have since reviewed NY J89472 and determined it to be in error. Accordingly, NY J89472 is revoked.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. § 1625(c)(1)), as amended by section 623 of Title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act, Pub. L. No. 103–182, 107 Stat. 2057, 2186 (1993), notice of the proposed action was published on September 21, 2016, in Volume 50, Number 38, of the Customs Bulletin. No comments were received in response to this notice.

FACTS:

In NY J89472, the focaccia was described as follows:

Primoforno brand focaccia consists of a fully-baked, circular or rectangular-shaped flat bread base topped with vegetables. The focaccia will be imported frozen, packed in plastic film bags containing from 110 to 500 grams, net weight.

In NY J89472, CBP classified the focaccia under subheading 1905.90.9090, HTSUSA, which provides for “Bread, pastry, cakes, biscuits and other bakers’ wares, whether or not containing cocoa; communion wafers, empty capsules of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products: Other: Other.”

ISSUE:

Whether the subject focaccia topped with vegetables is classifiable as a bread of subheading 1905.90.10, HTSUS, or in subheading 1905.90.90, HTSUS, as an other product.

LAW AND ANALYSIS:

Classification under the Harmonized Tariff Schedule of the United States (“HTSUS”) is made in accordance with the General Rules of Interpretation (“GRI”). GRI 1 provides that the classification of goods shall be determined according to the terms of the headings of the tariff schedule and any relative Section or Chapter Notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRIs may then be applied.

The 2016 HTSUS provisions under consideration are as follows:

1905 Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty capsules of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products:

* * *

1905.90 Other:

1905.90.10 Bread, pastry, cakes, biscuits and similar baked products, and puddings, whether or not containing chocolate, fruit, nuts or confectionary

Frozen:

* * *

1905.90.1049 Other

1905.90.90 Other

* * *

1905.90.9090 Other

The Harmonized Commodity Description and Coding System Explanatory Notes ("ENs") constitute the official interpretation of the Harmonized System at the international level. While neither legally binding nor dispositive, the ENs provide a commentary on the scope of each heading of the HTSUS and are generally indicative of the proper interpretation of these headings. See T.D. 89-80, 54 Fed. Reg. 35127, 35128 (August 23, 1989).

The EN to 19.05 states, in pertinent part:

(A) Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa.

This heading covers all bakers' wares. The most common ingredients of such wares are cereal flours, leavens and salt but they may also contain other ingredients such as: gluten, starch, flour of leguminous vegetables, malt extract or milk, seeds such as poppy, caraway or anise, sugar, honey, eggs, fats, cheese, fruit, cocoa in any proportion, meat, fish, bakery "improvers", etc. Bakery "improvers" serve mainly to facilitate the working of the dough, hasten fermentation, improve the characteristics and appearance of the products and give them better keeping qualities. The products of this heading may also be obtained from a dough based on flour, meal or powder of potatoes.

The classification dispute at the eight-digit level is whether focaccia bread that is topped with vegetables is classified as a bread of subheading 1905.90.10, HTSUS.

The Oxford English Dictionary defines "focaccia" as "[a] type of flat Italian bread made with yeast sprinkled with olive oil and salt, and frequently flavoured with herbs, onions, etc." "focaccia, n." *OED Online*. June 2016. Oxford University Press. <http://www.oed.com/view/Entry/249434?redirectedFrom=focaccia> (accessed August 16, 2016).

Moreover, in accordance with EN 19.05(A), goods of heading 1905, HTSUS, may contain other ingredients. Accordingly, we find that the subject merchandise, which is a frozen bread topped with vegetables, is described by subheading 1905.90.1049, HTSUSA, which provides for "Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty capsules of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products: Other: Bread, pastry, cakes,

biscuits and similar baked products, and puddings, whether or not containing chocolate, fruit, nuts or confectionary: Frozen: Other.”

HOLDING:

Under the authority of GRIs 1 and 6 the focaccia topped with vegetables is classified in heading 1905, HTSUS, specifically in subheading 1905.90.1049, HTSUSA, as “Bread, pastry, cakes, biscuits and other bakers’ wares, whether or not containing cocoa; communion wafers, empty capsules of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products: Other: Bread, pastry, cakes, biscuits and similar baked products, and puddings, whether or not containing chocolate, fruit, nuts or confectionary: Frozen: Other.” The 2016 column one, general rate of duty is Free.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on the internet at www.usitc.gov/tata/hts/.

EFFECT ON OTHER RULINGS:

NY J89472, dated October 14, 2003, is REVOKED.

In accordance with 19 U.S.C. § 1625(c), this ruling will become effective 60 days after its publication in the *Customs Bulletin*.

Sincerely,

ELIZABETH JUNIOR

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division



19 CFR PART 177

**REVOCATION OF TEN RULING LETTERS AND
REVOCATION OF TREATMENT RELATING TO THE
TARIFF CLASSIFICATION OF INTERNALLY-PADDED
GROUND MATS**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of revocation of ten ruling letters and revocation of treatment relating to the tariff classification of ground mats containing internal padding.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. §1625(c)), as amended by section 623 of title VI (Customs Modernization) of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182, 107 Stat. 2057), this notice advises interested parties that U.S. Customs and Border Protection (CBP) is revoking ten ruling letters concerning tariff classification of internally-padded ground mats under the Harmonized Tariff Sched-

ule of the United States (HTSUS). Similarly, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Notice of the proposed action was published in the *Customs Bulletin*, Vol. 50, No. 38, on September 21, 2016. No comments were received in response to that notice.

EFFECTIVE DATE: This action is effective for merchandise entered or withdrawn from warehouse for consumption on or after May 8, 2017.

FOR FURTHER INFORMATION CONTACT: Nicholai Diamond, Tariff Classification and Marking Branch, Regulations and Rulings, Office of Trade, at (202) 325-0292.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On December 8, 1993, Title VI (Customs Modernization), of the North American Free Trade Agreement Implementation Act (Pub. L. 103-182, 107 Stat. 2057) (“Title VI”), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are “**informed compliance**” and “**shared responsibility**.” These concepts are premised on the idea that in order to maximize voluntary compliance with customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations.

Accordingly, the law imposes a greater obligation on CBP to provide the public with improved information concerning the trade community’s responsibilities and rights under the customs and related laws. In addition, both the public and CBP share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. § 1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and to provide any other information necessary to enable CBP to properly assess duties, collect accurate statistics, and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, a notice was published in the *Customs Bulletin*, Vol. 50, No. 38, on September 21, 2016, proposing to revoke ten ruling letters pertaining to the tariff classification of internally-padded ground mats. As stated in the notice, this action will cover New York Ruling Letter (NY) N253198, dated May 29, 2014, NY H82586, dated June 28, 2001, NY G85866, dated February 7, 2001, NY G86314, dated January 25, 2001, NY G86128, dated January 24, 2001, NY F81159, dated December 28,

1999, NY E87993, dated November 8, 1999, NY D80795, dated August 6, 1998, NY 878296, dated September 25, 1992, and NY 849584, dated March 12, 1990, as well as any rulings on this merchandise which may exist, but have not been specifically identified. CBP has undertaken reasonable efforts to search existing databases for rulings in addition to the ten identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., a ruling letter, internal advice memorandum or decision, or protest review decision) on the merchandise subject to this notice should have advised CBP during the comment period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. §1625(c)(2)), as amended by section 623 of Title VI, CBP is revoking any treatment previously accorded by CBP to substantially identical transactions. Any person involved in substantially identical transactions should have advised CBP during the comment period. An importer's failure to advise CBP of substantially identical transactions or of a specific ruling not identified in this notice may raise issues of reasonable care on the part of the importer or its agents for importations of merchandise subsequent to the effective date of this notice.

In NY N253198, NY H82586, NY G85866, NY G86314, NY G86128, NY F81159, NY E87993, NY D80795, NY 878296, and NY 849584, CBP classified various ground mats containing internal padding in heading 6307, HTSUS. In NY N253198, CBP specifically classified an internally-padded ground mat in subheading 6307.90.98, HTSUS, which provides for "Other made up articles, including dress patterns: Other: Other: Other." In NY H82586, NY G85866, NY G86314, NY G86128, NY F81159, NY E87993, NY D80795, and NY 878296, CBP specifically classified various internally-padded ground mats in subheading 6307.90.99, HTSUS, which provided for "Other made up articles, including dress patterns: Other: Other: Other." In NY 849584, CBP specifically classified an internally-padded ground mat in subheading 6307.90.90, HTSUS, which provided for "Other made up articles, including dress patterns: Other: Other." CBP has reviewed NY N253198, NY H82586, NY G85866, NY G86314, NY G86128, NY F81159, NY E87993, NY D80795, NY 878296, and NY 849584, and has determined the ruling letters to be in error. It is now CBP's position that internally-padded ground mats are properly classified, by operation of GRI 1, in heading 9404, HTSUS, specifically in subheading 9404.90.20, HTSUS, which provides for "Mattress supports; articles of bedding and similar furnishing (for example, mattresses, quilts, eiderdowns, cushions, pouffes and pillows) fitted with

springs or stuffed or internally fitted with any material or of cellular rubber or plastics, whether or not covered: Other: Pillows, cushions and similar furnishings: Other.”

Pursuant to 19 U.S.C. §1625(c)(1), CBP is revoking NY N253198, NY H82586, NY G85866, NY G86314, NY G86128, NY F81159, NY E87993, NY D80795, NY 878296, and NY 849584, and revoking or modifying any other ruling not specifically identified to reflect the analysis contained in Headquarters Ruling Letter H264344, set forth as an attachment to this notice. Additionally, pursuant to 19 U.S.C. §1625(c)(2), CBP is revoking any treatment previously accorded by CBP to substantially identical transactions.

In accordance with 19 U.S.C. §1625(c), this ruling will become effective 60 days after publication in the *Customs Bulletin*.

Dated: December 05, 2016

ALLYSON MATTANAH

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

Attachment

HQ H264344

December 05, 2016

CLA-2 OT:RR:CTF:TCM H264344 NCD

CATEGORY: Classification

TARIFF NO.: 9404.90.2000

DEBBIE CHIALTAS
LIGHT SPEED OUTDOORS
2245 SAN DIEGO AVENUE
SUITE #125
SAN DIEGO, CA 92110

RE: Revocation of NY N253198, dated May 29, 2014, NY H82586, dated June 28, 2001, NY G85866, dated February 7, 2001, NY G86314, dated January 25, 2001, NY G86128, dated January 24, 2001, NY F81159, dated December 28, 1999, NY E87993, dated November 8, 1999, NY D80795, dated August 6, 1998, NY 878296, dated September 25, 1992, and NY 849584, dated March 12, 1990; tariff classification of internally-padded ground mats

DEAR Ms. CHIALTAS:

This letter is in reference to New York Ruling Letter (NY) N253198, issued to you on May 29, 2014, which involved classification of a ground mat containing polypropylene batting under the Harmonized Tariff Schedule of the United States (“HTSUS”). We have reviewed NY N253198 and determined that it is incorrect. For the reasons set forth below, we are revoking that ruling.

We have additionally reviewed NY H82586, dated June 28, 2001, NY G85866, dated February 7, 2001, NY G86314, dated January 25, 2001, NY G86128, dated January 24, 2001, NY F81159, dated December 28, 1999, NY E87993, dated November 8, 1999, NY D80795, dated August 6, 1998, NY 878296, dated September 25, 1992, and NY 849584, dated March 12, 1990, all of which involve classification of ground mats containing internal padding. As with NY N253198, we have determined that the enumerated rulings are incorrect and, for the reasons set forth below, are revoking them.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. §1625(c)(1)), as amended by section 623 of Title VI, notice of the proposed action was published in the Customs Bulletin, Vol. 50, No. 38, on September 21, 2016. No comments were received in response to the notice.

FACTS:

The merchandise at issue consists of various mats, designated “camp mat,” “beach mat” or derivations thereof, or simply “mat,” that are designed to be placed on the ground and subsequently sat, reclined, or laid upon. Each mat contains an exterior surface of twill, nylon, polyester, or other textile fabric, as well as an interior padding of polypropylene, polyester fiber, or cellular rubber. The polyester filling contained in two of the mats, specifically those at issue in NY G86314 and NY F81159, is described in the rulings as “so small that the mat cannot be considered to be a cushion.” Attached to several of the mats are combinations of straps, snaps, zippers, pockets, hooks, loops, and/or other items that, in concert, allow for compression and carrying of the mats as bags.

The subject ground mats were all classified by U.S. Customs and Border Protection (CBP) in heading 6307, HTSUS. The mat at issue in NY N253198

was specifically classified in subheading 6307.90.98, HTSUS, which provides for “Other made up articles, including dress patterns: Other: Other: Other.” The various mats at issue in NY H82586, NY G85866, NY G86314, NY G86128, NY F81159, NY E87993, NY D80795, and NY 878296 were specifically classified in subheading 6307.90.99, HTSUS, which provided for “Other made up articles, including dress patterns: Other: Other: Other.” The mat at issue in NY 849584 was specifically classified in subheading 6307.90.90, HTSUS, which provided for “Other made up articles, including dress patterns: Other: Other.”¹

ISSUE:

Whether the subject ground mats with interior padding are classified as “other made up articles” in heading 6307, HTSUS, or as cushions in heading 9404, HTSUS?

LAW AND ANALYSIS:

Merchandise imported into the United States is classified under the HTSUS. Tariff classification is governed by the principles set forth in the General Rules of Interpretation (GRIs) and, in the absence of special language or context which requires otherwise, by the Additional U.S. Rules of Interpretation. The GRIs and the Additional U.S. Rules of Interpretation are part of the HTSUS and are to be considered statutory provisions of law for all purposes.

GRI 1 requires that classification be determined first according to the terms of the headings of the tariff schedule and any relative section or chapter notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the heading and legal notes do not otherwise require, the remaining GRIs 2 through 6 may then be applied in order.

The 2016 HTSUS provisions under consideration are as follows:

| | |
|-------------|---|
| 6307 | Other made up articles: |
| 6307.90 | Other: |
| | Other: |
| 6307.90.98 | Other |
| <hr/> | |
| 9404 | Mattress supports; articles of bedding and similar furnishing (for example, mattresses, quilts, eiderdowns, cushions, pouffes and pillows) fitted with springs or stuffed or internally fitted with any material or of cellular rubber or plastics, whether or not covered: |
| 9404.90 | Other: |
| | Pillows, cushions and similar furnishings: |
| 9404.90.20 | Other |

As a preliminary matter, Section XI, Note 1(a), HTSUS, states as follows: “This section does not cover...[a]rticles of chapter 94 (for example, furniture, bedding, lamps and lighting fittings.” Therefore, if the instant mats are

¹ As part of the 1992 amendments to the HTSUS, subheading 6307.90.90 was re-designated subheading 6307.90.99. In turn, subheading 6307.90.99 was re-designated 6307.90.98 as part of the 2002 amendments to the HTSUS. Because the three subheadings are identical in language, we consider whether the instant mats are classifiable in subheading 6307.90.98, HTSUS, which remains in effect.

prima facie classifiable in heading 9404, HTSUS, they cannot be classified in heading 6307, HTSUS.

Heading 9404 provides, *inter alia*, for articles of bedding and similar furnishing, and specifically lists cushions as an example of such. The tariff term “cushion” is not defined in the HTSUS, and therefore must be construed in accordance with its plain meaning, which can be ascertained by reference to dictionaries, scientific authorities, and other “reliable information sources” and “lexicographic and other materials.” *Rocknel Fastener, Inc. v. United States*, 267 F.3d 1354, 1356 (Fed. Cir. 2001); *Mita Copystar Am. v. United States*, 21 F.3d 1079, 1082 (Fed. Cir. 1994). According to various dictionary definitions, “cushion” can be understood as a “pad or pillow with a soft filling, used for resting, reclining, or kneeling.” The American Heritage College Dictionary 1135 (4th ed. 2004); *see also* Oxford Online Dictionaries (defining “cushion” as “pillow or pad stuffed with a mass of soft material, used as a comfortable support for sitting or leaning on”). This interpretation is consistent with court decisions describing “cushion” as an article containing internal padding that boosts the physical comfort of the user sitting, reclining, or lying upon it. *See Bauerhin Tech. Ltd. Pshp. v. United States*, 110 F.3d 774, 778 (Fed. Cir. 1997); *Infantino, LLC v. United States*, No. 11–00497, 2014 Ct. Intl. Trade LEXIS 164, at *10–12 (Ct. Intl Trade Dec. 14, 2014) (“The Funny Farmer certainly qualifies as cushioning, insofar as it is stuffed with a polyester-fiber filling and is designed to cushion a child in either of its configurations.”).

As these decisions, as well as various CBP rulings, make clear, a cushion must only satisfy the above-stated definition of such to qualify as a product classifiable in heading 9404. For example, a cushion within the meaning of heading 9404 need not necessarily be designed for use with beds or for inducement or facilitation of sleeping. *See Bauerhin*, 110 F.3d at 778 (“Whether or not the car seats are used primarily for ‘napping’ is irrelevant.”); *Infantino*, 2014 Ct. Intl. Trade LEXIS 164, at *10–11 (“The important point from *Bauerhin* is that heading 9404 can cover non-sleep-purposed cushioning...”). Nor must it be restricted to use with, or incorporation into, beds or bedding articles, or necessarily be bare of attached articles unrelated to its comfort-boosting functions. *See Bauerhin*, 110 F.3d at 778 (classifying car seat insert with polyester fiberfill as a cushion in heading 9404); *Infantino*, 2014 Ct. Intl. Trade LEXIS 164, at *2, 10–11 (concluding that a children’s “play mat” with interior polyester-fiber batting and various attached toys is described as cushioning of heading 9404)²; NY N057945, dated April 29, 2009 (classifying a beach mat with internal polyurethane foam padding and external shoulder straps in heading 9404); NY I83405, dated July 23, 2002 (classifying beach mats with polyester filler and roll-up straps in heading 9404); and NY E86645, dated September 24, 1999 (classifying beach mat with interior foam and exterior side zippers and straps in heading 9404). Finally, the internal padding within cushions is not subject to minimum requirements with respect to thickness or density. *See Infantino*, 2014 Ct. Intl. Trade LEXIS 164, at *2 (characterizing polyester fiberfill in play mat as “light”); Headquarters Ruling Letter H185719, dated January 30, 2013 (classifying 1/4 inch-thick mat in heading 9404).

² The court in *Infantino* ultimately classified the play mat in heading 9503 by application of GRI 3(b), but only after determining that the mat was *prima facie* classifiable in both heading 9404 and heading 9503. 2014 Ct. Intl. Trade LEXIS 164, at *25–27.

Here, the ground mats at issue all contain textile exteriors encasing interior padding. This padding is made up in all cases of polyester fiber or foam, both of which can be characterized as “soft” materials that, when incorporated into the mats, effectually offer a comfortable buffer between the mats’ users and the underlying surface. Per *Bauerhin* and *Infantino*, it is immaterial that the mats do not necessarily induce or facilitate sleep or that they lend themselves to use apart from beds or bedding articles. It is also immaterial, with respect to the beach mats, that these mats include various materials designed to facilitate conversion of the mat into a bag for transport purposes. Finally, per *Infantino*, the purported thinness of the polyester filling in the mats at issue in NY G86314 and NY F81159 does not prevent these mats’ classification in heading 9404. Because all the mats at issue contain internal padding that bolsters the comfort of the users lying or sitting atop them, they are described as cushions of heading 9404, HTSUS. As such, they are excluded from heading 6307, HTSUS, and are properly classified in heading 9404. We note, however, that this determination is applicable only to mats that contain internal padding.³

HOLDING:

Under the authority of GRI 1, the subject internally-padded ground mats are classified in heading 9404, HTSUS, specifically in subheading 9404.90.2000, HTSUSA (Annotated), which provides for: “Mattress supports; articles of bedding and similar furnishing (for example, mattresses, quilts, eiderdowns, cushions, pouffes and pillows) fitted with springs or stuffed or internally fitted with any material or of cellular rubber or plastics, whether or not covered: Other: Pillows, cushions and similar furnishings: Other.” The 2016 column one general rate of duty rate is *free*.

Duty rates are provided for your convenience and are subject to change. The text of the most recent HTSUS and the accompanying duty rates are provided on the internet at www.usitc.gov/tata/hts/.

In accordance with 19 U.S.C. §1625(c), this ruling will become effective 60 days after its publication in the Customs Bulletin.

EFFECT ON OTHER RULINGS:

New York Ruling Letter N253198, dated May 29, 2014, H82586, dated June 28, 2001, NY G85866, dated February 7, 2001, NY G86314, dated January 25, 2001, NY G86128, dated January 24, 2001, NY F81159, dated December 28, 1999, NY E87993, dated November 8, 1999, NY D80795, dated August 6, 1998, NY 878296, dated September 25, 1992, and NY 849584, dated March 12, 1990 are hereby REVOKED in accordance with the above analysis.

Sincerely,

ALLYSON MATTANAH

for

MYLES B. HARMON,

Director

Commercial and Trade Facilitation Division

³ As such, the instant decision does not apply, *inter alia*, to NY N247154, dated November 20, 2013, NY N017850, dated October 4, 2007, NY K82186, dated January 13, 2004, NY H88842, dated February 28, 2002, or NY E86489, dated September 14, 1999, all of which involve classification of beach mats that are not stated to contain internal filling.

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AGENCY INFORMATION COLLECTION ACTIVITIES:**Electronic Visa Update System**

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security

ACTION: 60-Day notice and request for comments; revision of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Electronic Visa Update System (EVUS). This is a proposed extension and revision of an information collection that was previously approved. CBP is proposing that this information collection be extended with a revision to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before April 24, 2017 to be assured of consideration.

ADDRESSES: All submissions received must include the OMB Control Number 1651-0139 in the subject line and the agency name. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Email.* Submit comments to: (*CBP_PRA@cbp.dhs.gov*). The email should include the OMB Control number in the subject line.

(2) *Mail.* Submit written comments to CBP PRA Officer, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, Economic Impact Analysis Branch, 10th Floor, 90 K St NE., Washington, DC 20229-1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional PRA information should be directed to Paperwork Reduction Act Officer, U.S. Customs and Border Protection, Regulations and Rulings, Office of Trade, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, or via email (*CBP_PRA@cbp.dhs.gov*). Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP Web site at <https://www.cbp.gov/>. For additional help: <https://help.cbp.gov/app/home/search/1>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following Information collection:

Title: Electronic Visa Update System.

OMB Number: 1651-0139.

Form Number: N/A.

Abstract: The Electronic Visa Update System (EVUS) provides a mechanism through which visa information updates can be obtained from certain nonimmigrant aliens in advance of their travel to the United States. This provides CBP access to updated information without requiring aliens to apply for a visa more frequently. The EVUS requirements apply to nonimmigrant aliens who hold a passport issued by an identified country containing a U.S. nonimmigrant visa of a designated category. EVUS enrollment is currently limited to nonimmigrant aliens who hold unrestricted, maximum validity B-1 (business visitor), B-2 (visitor for pleasure), or combination B-1/B-2 visas, which are generally valid for 10 years, contained in a passport issued by the People's Republic of China.

EVUS provides for greater efficiencies in the screening of international travelers by allowing DHS to identify nonimmigrant aliens who may be inadmissible before they depart for the United States, thereby increasing security and reducing traveler delays upon arrival at U.S. ports of entry. EVUS aids DHS in facilitating legitimate travel while also enhancing public safety and national security.

Proposed Changes

DHS proposes to add the following optional question to EVUS: "Please enter information associated with your online

presence—Provider/Platform—Social media identifier.” A social media identifier is any name, or “handle,” used by the individual on one or more platforms. The optional social media question on the EVUS enrollment will include a drop down menu of options for selection. This data will be used for vetting purposes, as needed, providing highly trained CBP officers with timely visibility into publicly available information on the platforms associated with the social media identifier(s) voluntarily provided by the applicant, along with other information and tools CBP officers regularly use in the performance of their duties. The officer will review said platforms in a manner consistent with the privacy settings the applicant has chosen to adopt for those platforms. It will also help distinguish between individuals with similar characteristics, such as similar names, and provide an additional means to contact an applicant if needed. Respondents who choose not to answer this question can still submit an EVUS enrollment without a negative interpretation or inference. The question will be clearly marked as optional.

Current Actions: This submission is being made to extend the expiration date with a change to the information collected as a result of adding an optional question about social media to EVUS. There are no changes to the burden hours.

Type of Review: Revision.

Affected Public: Individuals.

Estimated Number of Respondents: 3,595,904.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 3,595,904.

Estimated Time per Response: 25 minutes.

Estimated Total Annual Burden Hours: 1,499,492.

Dated: February 15, 2017.

SETH RENKEMA,
Branch Chief,
Economic Impact Analysis Branch,
U.S. Customs and Border Protection.

[Published in the Federal Register, February 21, 2017 (82 FR 11237)]