

U.S. Customs and Border Protection



NOTICE OF ISSUANCE OF FINAL DETERMINATION CONCERNING DOCAVE COMPUTER SOFTWARE

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

ACTION: Notice of final determination.

SUMMARY: This document provides notice that U.S. Customs and Border Protection (“CBP”) has issued a final determination concerning the country of origin of certain computer software known as DocAve Software. Based upon the facts presented, CBP has concluded that the software build operations performed in the United States substantially transform software modules developed in China. Therefore, the country of origin of DocAve Software is the United States for purposes of U.S. Government procurement.

DATES: The final determination was issued on December 4, 2013. A copy of the final determination is attached. Any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of this final determination on or before January 10, 2014.

FOR FURTHER INFORMATION CONTACT: Heather K. Pinnock, Valuation and Special Programs Branch: (202) 325–0034.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on December 4, 2013, pursuant to subpart B of Part 177, U.S. Customs and Border Protection Regulations (19 CFR Part 177, subpart B), CBP issued a final determination concerning the country of origin of certain computer software known as DocAve Software, which may be offered to the U.S. Government under an undesignated government procurement contract. This final determination, HQ H243606, was issued under procedures set forth at 19 CFR Part 177, subpart B, which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. 2511–18). In the final determination, CBP concluded that, based upon the facts presented, the software build operations performed in the United States substantially transform non-TAA country software modules

developed in China. Therefore, the country of origin of DocAve Software is the United States for purposes of U.S. Government procurement.

Section 177.29, CBP Regulations (19 CFR 177.29), provides that a notice of final determination shall be published in the **Federal Register** within 60 days of the date the final determination is issued. Section 177.30, CBP Regulations (19 CFR 177.30), provides that any party-at-interest, as defined in 19 CFR 177.22(d), may seek judicial review of a final determination within 30 days of publication of such determination in the **Federal Register**.

Dated: December 4, 2013.

SANDRA L. BELL,
Executive Director,
Regulations and Rulings, Office of
International Trade.

Attachment

HQ H243606

December 4, 2013

LARRY HAMPEL, ESQ.

ALBERT B. KRACHMAN, ESQ.

BLANK ROME, LLP

WATERGATE

600 NEW HAMPSHIRE AVENUE, NW

WASHINGTON, DC 20037

RE: Trade Agreements Act; Substantial Transformation; Country of Origin of Software

DEAR MR. HAMPEL AND MR. KRACHMAN:

This is in response to your letter dated June 24, 2013, requesting a final determination on behalf of AvePoint, Inc. (“AvePoint”), pursuant to subpart B of part 177 of the U.S. Customs and Border Protection (CBP) Regulations (19 C.F.R. Part 177). Under these regulations, which implement Title III of the Trade Agreements Act of 1979 (TAA), as amended (19 U.S.C. § 2511 et seq.), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain “Buy American” restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

This final determination concerns the country of origin of computer software. As the U.S. importer of the subject merchandise, AvePoint is a party-at-interest within the meaning of 19 C.F.R. § 177.22(d)(1) and is entitled to request this final determination.

FACTS:

AvePoint manufactures DocAve Software (“DocAve”), a comprehensive suite of applications for Microsoft® SharePoint®. SharePoint is a multipurpose set of Web technologies backed by a common technical infrastructure that is used to provide intranet portals, document & file management, collaboration, social networks, extranets, Web sites, enterprise search, and business intelligence. It also has system integration, process integration, and workflow automation capabilities. DocAve products simplify the deployment, monitoring, and enforcement of SharePoint governance policies. DocAve products have a browser-based user interface and a fully distributed architecture that integrates backup, administration and data management technologies for all SharePoint products. Its applications can be executed separately, but they function within a unified platform and are provided as an integrated package.

According to the information submitted, DocAve software is developed in seven steps, described as follows:

- (1) **Research:** A list of ideas and potential features to be included in the software is compiled. A product roadmap is developed and test cases are written to govern and ensure that all the requirements of the application and software design are met. Twenty percent of total product development hours is allocated to this step (18% of which is performed in the U.S. and 2% in China).

- (2) **Development of Graphic User Interface (“GUI”):** A prototype GUI based on designs created in Step 1 is developed and tested. Ten percent of total product development hours is allocated to this step, all of which is performed in the U.S.
- (3) **Development/Writing of Software Specifications and Architecture:** The chief architects create a detailed software design in order to modularize the software so that its development can be easily distributed and managed by different development teams. Ten percent of total product development hours is allocated to this step, all of which is performed in the U.S.
- (4) **Programming of Source Code:** Software modules are distributed to different development teams in the U.S. and China. Each module is self-contained and can be developed separately, but cannot run independently and is not executable code. Twenty-five percent of total product development hours is allocated to this step (5% of which is performed in the U.S. and 20% in China).
- (5) **Software Build:** Separate source code modules are transferred to the repository server hosted in the U.S., which is the only place where a development team has access to the entire source code. The team integrates the modules with each other by compiling the source code into object code (a sequence of statements or instructions in a computer language) and works out incompatibilities or bugs by re-writing or correcting source code, as needed, makes the software into executable files, and constructs an installation package that is easily installed. The U.S. team creates all the lines of the object code, makes all the software executable files in various versions and languages. This step may be performed multiple times if testing indicates the need for correction. Fifteen percent of total product development hours is allocated to this step, all of which is performed in the U.S.
- (6) **Testing and Validation:** The software package is tested based on functional specifications defined in Step 1. Once the test case pass rate is met, the software is ready for release. Fifteen percent of total product development hours is allocated to this step (5% of which is performed in the U.S. and 10% in China).
- (7) **Preparing Software/Burning Media for Distribution:** The U.S. project management team coordinates with marketing and sales teams to make the software publicly avail-

able. Five percent of total product development hours is allocated to this step, all of which is performed in the U.S.

In sum, steps 2, 3, 5, and 7 (development of the GUI, development/ writing of specification and architecture software, software build, and preparation of software for distribution) are performed entirely in the U.S. Steps 1, 4, and 6 (research, programming of the source code, and testing and validation) are performed in the U.S. and China. In terms of total product development hours, which encompass all seven steps, 68% is allocated to work performed in the United States, and 32% to work performed in China. We note that there were no documents submitted in support of the estimated percentages of work hours involved in the overall manufacturing process. For the purposes of this ruling, we presume that the figures provided are correct.

ISSUE:

What is the country of origin of AvePoint's DocAve Software for purposes of U.S. Government procurement?

LAW AND ANALYSIS:

Pursuant to Subpart B of Part 177, 19 CFR § 177.21 et seq., which implements Title III of the Trade Agreements Act of 1979, as amended (19 U.S.C. § 2511 et seq.), CBP issues country of origin advisory rulings and final determinations as to whether an article is or would be a product of a designated country or instrumentality for the purposes of granting waivers of certain "Buy American" restrictions in U.S. law or practice for products offered for sale to the U.S. Government.

Under the rule of origin set forth under 19 U.S.C. § 2518(4)(B):

An article is a product of a country or instrumentality only if (i) it is wholly the growth, product, or manufacture of that country or instrumentality, or (ii) in the case of an article which consists in whole or in part of materials from another country or instrumentality, it has been substantially transformed into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was so transformed.

See also 19 C.F.R. § 177.22(a).

In rendering advisory rulings and final determinations for purposes of U.S. Government procurement, CBP applies the provisions of subpart B of Part 177 consistent with the Federal Procurement Regulations. *See* 19 C.F.R. § 177.21. In this regard, CBP recognizes that the Federal Procurement Regulations restrict the U.S. Government's purchase of products to U.S.-made or designated country end products for acquisitions subject to the TAA. *See* 48 C.F.R. § 25.403(c)(1). The Federal Procurement Regulations define "U.S.-made end product" as:

[A]n article that is mined, produced, or manufactured in the United States or that is substantially transformed in the United States into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed.

In *Data General v. United States*, 4 Ct. Int'l Trade 182 (1982), the court determined that for purposes of determining eligibility under item 807.00, Tariff Schedules of the United States (predecessor to subheading 9802.00.80, Harmonized Tariff Schedule of the United States), the programming of a foreign PROM (Programmable Read-Only Memory chip) in the United States

substantially transformed the PROM into a U.S. article. The PROMs had no capacity to store and retrieve information until they were programmed in the U.S. by U.S. engineers who interconnected the discrete components in a defined logical pattern. The programming bestowed upon each circuit its electronic function, that is, its “memory” which could be retrieved. A distinct physical change was effected in the PROM by the opening or closing of the fuses, depending on the method of programming. This physical alteration, not visible to the naked eye, could be discerned by electronic testing of the PROM. The court noted that the programs were designed by a U.S. project engineer with many years of experience in “designing and building hardware.” While replicating the program pattern from a “master” PROM may be a quick one-step process, the development of the pattern and the production of the “master” PROM required much time and expertise. The court noted that it was undisputed that programming altered the character of a PROM. The essence of the article, its interconnections or stored memory, was established by programming. The court concluded that altering the non-functioning circuitry comprising a PROM through technological expertise in order to produce a functioning read only memory device, possessing a desired distinctive circuit pattern, was no less a “substantial transformation” than the manual interconnection of transistors, resistors and diodes upon a circuit board creating a similar pattern.

You believe that the country of origin of DocAve Software is the United States because it is the country in which the software build occurs, a process which you liken to assembly and believe is sufficient in itself to effect a substantial transformation of all the software inputs. You note that some of the pre-build design and architecture, and some of the post- or re-build test design and validation decisions also take place in the U.S. Specifically, the design concept and user-driven features of the software are the result of work performed in the U.S., and their functional implementation is achieved only through the compilation of source code modules and the integration of executable modules through numerous build and test sequences, also performed in the U.S. Additionally, you note that while testing is largely performed in China, the decisions on critical functions and features pass rates are taken by the U.S. project management team. As a result of the software development and production processes performed in the U.S., you believe that a new commercial product (DocAve Software) is created that differs from any of its components, which individually are not capable of achieving the purpose or function of the completed software.

Based on the reasoning in *Data General supra*, we find that the software build performed in the U.S. substantially transforms the software modules developed in China and the U.S. into a new article with a new name, character and use, that is, DocAve Software. During the software build process, the source code modules developed in the U.S. and China are transferred to a server in the U.S, where the U.S. software development team creates DocAve Software by compiling the source code into object code, and works out incompatibilities or bugs by re-writing or correcting source code as needed. Moreover, the U.S. team creates all the lines of the object code, makes all the software executable files in various versions and languages, and constructs the installation package as an easily installable unit. In addition, 90% of the

software development research is performed in the U.S., as are aspects of programming of the source code and testing and validation, such that 68% of the development of DocAve Software is attributed to work performed in the United States. Given these facts, we find that the country of origin of DocAve Software is the United States for purposes of U.S. Government procurement.

Please be advised that whether the software may be marked “Made in the U.S.A.” or with similar words, is an issue under the authority of the Federal Trade Commission (“FTC”). We suggest that you contact the FTC, Division of Enforcement, 6th and Pennsylvania Avenue NW, Washington, DC 20508, on the propriety of markings indicating that articles are made in the United States.

HOLDING:

Based on the facts provided, the software build operations performed in the United States substantially transforms the software modules developed in China and the U.S. into a new article with a new name, character and use, that is, DocAve Software. As such, DocAve Software is considered a product of the United States for purposes of U.S. Government procurement.

Notice of this final determination will be given in the **Federal Register**, as required by 19 C.F.R. § 177.29. Any party-at-interest other than the party which requested this final determination may request, pursuant to 19 C.F.R. § 177.31, that CBP reexamine the matter anew and issue a new final determination. Pursuant to 19 C.F.R. § 177.30, any party-at-interest may, within 30 days of publication of the **Federal Register** Notice referenced above, seek judicial review of this final determination before the Court of International Trade.

Sincerely,

SANDRA L. BELL,

Executive Director

*Regulations and Rulings Office of
International Trade*

[Published in the Federal Register, December 11, 2013 (78 FR 75362)]

**COPYRIGHT, TRADEMARK, AND TRADE NAME
RECORDATIONS**

(No. 11 2013)

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 November 2013. The last notice was published in the CUSTOMS BULLETIN on December 4, 2013.

Corrections or updates may be sent to: Intellectual Property Rights Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 90 K Street, NE., 10th Floor, Washington, D.C. 20229-1177.

FOR FURTHER INFORMATION CONTACT: Delois Johnson, Paralegal, Intellectual Property Rights Branch, Regulations & Rulings, Office of International Trade, (202) 325-0088.

Dated: December 4, 2013

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

CBP IPR RECORDATION — NOVEMBER 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 06-00911	11/5/2013	11/15/2023	MICHELOB	ANHEUSER-BUSCH, INCORPORATED	No
TMK 03-00841	11/19/2013	11/8/2023	20TH CENTURY FOX AND LOGO	TWENTIETH CENTURY-FOX FILM CORP.	No
TMK 04-00983	11/19/2013	2/10/2024	LOCK NUT DESIGN	WYANDOTIE INDUSTRIES INC.	No
TMK 04-01029	11/25/2013	11/8/2023	FORMSTRIP DESIGN	PUMA AG RUDOLF DASSLER SPORT	No
TMK 05-00658	11/25/2013	9/2/2023	SABRITAS	FRITO-LAY NORTH AMERICA, INC.	No
COP 13-00158	11/25/2013	11/25/2033	PONY	U.A.A. INC. ADDRESS: 4515 E 48TH ST., VERNON, CA, 90058, UNITED STATES.	No
TMK 06-00964	11/25/2013	12/27/2015	HARTMANN	SAMSONITE IP HOLDINGS S.AR.L.	No
TMK 06-01239	11/5/2013	9/7/2024	BUSCH	ANHEUSER-BUSCH, INCORPORATED	No
TMK 13-01292	11/25/2013	1/21/2015	BUSSMANN	COOPER TECHNOLOGIES COMPANY	No
TMK 13-01294	11/25/2013	10/11/2021	OCTAGON	ZUFFA, LLC	No

CBP IPR RECORDATION — NOVEMBER 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 07-00773	11/19/2013	9/14/2023	ALTERA	ALTERA CORPORATION	No
TMK 08-00098	11/14/2013	8/26/2023	L'INSTANT DE GUERLAIN	GUERLAIN S.A.	No
TMK 09-01211	11/21/2013	12/21/2023	HOLLAND VIEW AND WINDMILL AND WATERMILL DESIGN	ANHING CORPORATION	No
TMK 10-00204	11/25/2013	10/7/2023	WEN	JEFFREY ALAN DEANE	No
TMK 10-00822	11/14/2013	7/20/2023	ANN TAYLOR	ANNCO, INC.	No
TMK 13-01272	11/21/2013	12/30/2018	XTREME	HYDROFARM, INC	No
TMK 13-01295	11/25/2013	11/3/2018	CIRCUIT CITY	CIRCUITCITY.COM, INC.	No
TMK 13-01206	11/1/2013	3/19/2022	ONESIES	GERBER CHILDRENSWEAR LLC	No
TMK 13-01286	11/25/2013	4/12/2021	9/11 MEMORIAL	NATIONAL SEPTEMBER 11 MEMORIAL & MUSEUM AT THE WORLD TRADE CENTER FOUNDATION, INC.	No
TMK 13-01243	11/14/2013	5/15/2022	MONSUNO	JAKKS PACIFIC, INC.	No
TMK 13-00195	11/19/2013	10/28/2023	A AND DESIGN	ALPINESTARS RESEARCH S.R.L.	No
TMK 13-00463	11/25/2013	12/9/2023	INTUITION	EVEREADY BATTERY COMPANY, INC.	No

CBP IPR RECORDATION — NOVEMBER 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 03-00832	11/12/2013	8/25/2022	SIGILLVM VNIVERSITATIS ARIZONENSIS 1885 & DESIGN	ARIZONA BOARD OF REGENTS ON BEHALF OF THE UNIVERSITY OF ARIZONA	No
TMK 13-01232	11/12/2013	8/12/2024	CRUSH	DR PEPPER/SEVEN UP, INC.	No
TMK 13-01239	11/14/2013	5/7/2023	THE WET BRUSH	J & D BRUSH CO., INC.	No
TMK 13-01253	11/19/2013	10/1/2023	RINOVUM	RINOVUM WOMEN'S HEALTH, INC.	No
TMK 13-01236	11/14/2013	10/22/2023	SOCHI 2014	UNITED STATES OLYMPIC COMMITTEE	No
TMK 13-01217	11/5/2013	11/18/2023	RHP	NSK AMERICAS, INC./NSK EUROPE LTD.	No
TMK 13-01233	11/12/2013	10/22/2023	KANGEN	ENAGIC USA, INC.	No
TMK 13-01216	11/5/2013	10/30/2017	KOMAROV	D2S PROPERTIES, LLC	No
TMK 13-01252	11/19/2013	5/31/2021	SEOUL BROADCASTING SYSTEM	SEOUL BROADCASTING SYSTEM CORPORATION REPUBLIC OF KOREA SUITE # 1000 3530 WILSHIRE BOULEVD	No
COP 13-00154	11/19/2013	11/19/2033	I CAN HEAR YOUR VOICE : 1.	SBS INTERNATIONAL INC.,	No
TMK 13-01259	11/19/2013	12/17/2021	FLOWMASTER	FLOWMASTER, INC.	No

CBP IPR RECORDATION — NOVEMBER 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 13-01241	11/14/2013	2/9/2020	JOY AND DESIGN	JOY CARPETS AND CO. INC.	No
COP 13-00156	11/20/2013	11/20/2033	RAINBOW LOOM HANDS.	CHEONG CHOON NG, 1968-	No
TMK 13-01267	11/19/2013	9/24/2023	IRON GYM	ONTEL PRODUCTS CORPORATION	No
TMK 13-01234	11/14/2013	1/13/2019	H	HERMES INTERNATIONAL	No
TMK 13-01263	11/19/2013	1/29/2023	PLOOM	PLOOM, INC.	No
TMK 13-01246	11/14/2013	7/9/2023	TT AND DESIGN	RIVER LIGHT V, L.P.	No
TMK 13-01235	11/14/2013	5/1/2022	F1 FORMULA 1	FORMULA ONE LICENSING BV	No
TMK 13-01207	11/1/2013	4/3/2022	F1 FORMULA 1	FORMULA ONE LICENSING BV	No
TMK 13-01209	11/5/2013	9/4/2014	ONESIES	GERBER CHILDRENSWEAR LLC	No
TMK 13-01257	11/19/2013	8/6/2023	KAIZEN FOAM	FASTCAP, LLC	No
TMK 13-01222	11/12/2013	1/4/2016	7-UP	DR PEPPER/SEVEN UP, INC.	No
TMK 13-01215	11/5/2013	5/4/2014	CEROBEAR	CEROBEAR GMBH	No
TMK 13-01213	11/5/2013	7/16/2023	TEAM USA	UNITED STATES OLYMPIC COMMITTEE	No
TMK 13-01205	11/1/2013	3/13/2022	F1 FORMULA 1	FORMULA ONE LICENSING BV	No
TMK 13-01211	11/5/2013	7/16/2023	TEAM USA	UNITED STATES OLYMPIC COMMITTEE	Yes

CBP IPR RECORDATION — NOVEMBER 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 13-01284	11/25/2013	9/15/2018	CASE	CNH AMERICA LLC	No
TMK 13-01277	11/25/2013	8/27/2016	PPL	NSK BEARINGS POLSKA SPOLKA AKCYJNA	No
TMK 13-01214	11/5/2013	10/21/2023	TEAM USA	UNITED STATES OLYMPIC COMMITTEE	Yes
COP 13-00157	11/20/2013	11/20/2033	POMALYST PRESCRIBING LABEL AND MEDICATION GUIDE.	CELGENE CORPORATION	No
TMK 13-01231	11/12/2013	10/13/2019	D	CDS-IP, S.A.	No
TMK 13-01226	11/12/2013	8/18/2019	D	CDS-IP, S.A.	No
TMK 13-01245	11/14/2013	2/26/2023	INSIGHTVM	TERRA SPECTRUM TECHNOLOGIES, INC.	No
TMK 13-01220	11/12/2013	9/10/2033	PROMEDIC	MAURICE SCHEMO, ESTELLE SCHEMO	No
TMK 13-01240	11/14/2013	3/5/2023	KENRA PLATINUM	KENRA PROFESSIONAL, LLC	No
TMK 13-01237	11/14/2013	4/10/2022	CK ONE SHOCK	CALVIN KLEIN TRUST	No
COP 13-00153	11/14/2013	11/14/2033	4T PRINT.	RIVER LIGHT V, LLC D.B.A. TORY BY TRB	No
TMK 13-01230	11/12/2013	8/18/2019	D (STYLIZED)	CDS-IP, S.A.	No

CBP IPR RECORDATION — NOVEMBER 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 13-01224	11/12/2013	2/23/2018	DONNAY	CDS-IP, S.A.	No
TMK 13-01223	11/12/2013	2/18/2022	7-UP	DR PEPPER/SEVEN UP, INC.	No
TMK 13-01271	11/20/2013	9/3/2023	PREMIER HOOKAH V · A · P · E · S AND DESIGN	PREMIER HOOKAH, L.L.C.	No
TMK 13-01227	11/12/2013	1/10/2022	DOUBLE HORSE	EMIRIMAGE CORPORATION	No
TMK 13-01228	11/12/2013	4/9/2015	TEXTILENE	TWITCHELL TECHNICAL PRODUCTS, LLC	No
TMK 13-01260	11/19/2013	2/10/2019	OILFLEX	HARVEST MARKETING, INC.	No
TMK 13-01265	11/19/2013	9/8/2019	FLOWMASTER INC.	FLOWMASTER, INC.	No
TMK 13-01208	11/1/2013	8/19/2018	ONESIES	GERBER CHILDRENSWEAR LLC	No
COP 13-00152	11/1/2013	11/1/2033	WOOLMAT PRODUCT PHOTOS.	HYOWON ELECTRONICS INC. ADDRESS: SONGNAE-DONG 327-5 3F, SOSA-GU, BUCHEON, KOREA (SOUTH)	No
TMK 13-01210	11/5/2013	8/26/2023	FUTURE OLYMPIAN	UNITED STATES OLYMPIC COMMITTEE	No
TMK 13-01229	11/12/2013	12/4/2022	FIFO AND DESIGN	FIFO WIRELESS, INC.	No
TMK 13-01262	11/19/2013	9/18/2022	PLOOM	PLOOM, INC.	No

CBP IPR RECORDATION — NOVEMBER 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 13-01244	11/14/2013	7/9/2023	TT	RIVER LIGHT V, L.P.	No
TMK 13-01212	11/5/2013	7/16/2023	TEAM USA	UNITED STATES OLYMPIC COMMITTEE	No
TMK 13-01242	11/14/2013	2/23/2020	VERSA-BACK	TECRE CO., INC.	No
TMK 13-01289	11/20/2013	1/9/2021	CHIHULY	DALE CHIHULY	No
TMK 13-01268	11/20/2013	10/22/2023	SAMHEALTHYSKIN	SAMHEALTHYSKIN.COM LLC	No
TMK 13-01261	11/19/2013	9/1/2018	IH	CNH AMERICA LLC	No
TMK 13-01218	11/12/2013	7/7/2019	DONNAY	CDS-IP, S.A.	No
TMK 13-01238	11/14/2013	2/19/2018	KENRA	KENRA PROFESSIONAL, LLC	No
TMK 05-00651	11/5/2013	4/8/2023	GLOBAL ORGANICS, LTD.	GLOBAL ORGANICS, LTD.	No
TMK 13-01219	11/12/2013	8/21/2017	EGO	OMEGA TOBACCO DISTRIBUTER INC.	No
TMK 13-01225	11/12/2013	7/24/2022	FIFO (STYLIZED)	CELLULAR MASTERS, INC D/B/A FIFO WIRELESS, INC. FIFO WIRELESS, INC.	No
TMK 13-01221	11/12/2013	6/6/2016	AVALANCHE WEAR	RONALD PETRUCCI/ RED ROCK TRADING CO. INC.	No

CBP IPR RECORDATION — NOVEMBER 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 05-00445	11/19/2013	11/4/2023	MLB	MAJOR LEAGUE BASEBALL PROPERTIES, INC.	No
TMK 13-01270	11/20/2013	9/19/2016	DESIGN IDEAS	DESIGN IDEAS, LTD.	No
TMK 13-01256	11/19/2013	4/29/2023	LA MORENA	GRUPO OMOR, S.A. DE C.V.	No
TMK 13-01258	11/19/2013	5/21/2023	NAREMO	GRUPO OMOR, S.A. DE C.V.	No
TMK 13-01250	11/19/2013	12/16/2023	GELGEMS	DESIGN IDEAS, LTD.	No
COP 13-00155	11/19/2013	11/19/2033	BIRD WITH FLORAL COLOR OF YELLOW MINT PINK.	BNB ENTERPRISE, INC.	No
TMK 13-01289	11/25/2013	1/19/2020	FLOWMASTER INC. AND DESIGN	FLOWMASTER, INC.	No
TMK 13-01291	11/25/2013	11/5/2022	UFC	ZUFFA, LLC	No
TMK 13-01287	11/25/2013	8/27/2016	PPL AND DESIGN	NSK BEARINGS POLSKA SPOLKA AKCYJNA	No
TMK 13-01298	11/25/2013	12/18/2022	ULTIMATE FIGHTING CHAMPIONSHIP	ZUFFA, LLC	No
TMK 13-01293	11/25/2013	9/10/2023	STRIKEFORCE	FORZA, LLC	No
TMK 13-01275	11/25/2013	4/17/2022	THE ULTIMATE FIGHTER	ZUFFA, LLC	No
TMK 13-01285	11/25/2013	3/25/2018	CASE	CNH AMERICA LLC	No
TMK 13-01288	11/25/2013	6/21/2021	DIGLUX	HYDROFARM, INC	No

CBP IPR RECORDATION — NOVEMBER 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 13-01299	11/25/2013	7/19/2021	WEC WORLD EXTREME CAGE-FIGHTING AND DESIGN	WEC HOLDINGS	No
TMK 13-01290	11/25/2013	5/20/2018	STRIKEFORCE	FORZA, LLC	No
TMK 13-01296	11/25/2013	4/15/2023	UFC	ZUFFA, LLC	No
TMK 13-01274	11/25/2013	4/19/2015	UFC	ZUFFA, LLC	No
TMK 13-01283	11/25/2013	9/27/2015	PRIDE	ZUFFA, LLC	No
TMK 13-01282	11/25/2013	6/30/2018	THE ULTIMATE FIGHTING CHAMPIONSHIP AND DESIGN	ZUFFA, LLC	No
TMK 13-01280	11/25/2013	4/25/2019	ULTIMATE FIGHTING CHAMPIONSHIP	ZUFFA, LLC	No
TMK 13-01276	11/25/2013	10/1/2023	STRIKEFORCE	FORZA, LLC	No
TMK 13-01247	11/19/2013	3/5/2017	NEW HOLLAND	CNH AMERICA LLC	No
TMK 13-01255	11/19/2013	9/17/2023	GAME BOY (STYLIZED)	NINTENDO OF AMERICA INC.	No
TMK 13-01249	11/19/2013	7/31/2022	PEGAS (STYLIZED)	BUCHIK SERGEI ALEKSANDROVICH (RUSSIAN FED.	No
TMK 13-01248	11/19/2013	11/4/2022	OMEGA	OMEGA SA (OMEGA AG) (OMEGA LTD.)	No

CBP IPR RECORDATION — NOVEMBER 2013

Recordation No.	Effective Date	Expiration Date	Name of Cop/Tmk/Tnm	Owner Name	GM Restricted
TMK 13-01251	11/19/2013	7/24/2022	DOODLES	DESIGN IDEAS, LTD.	No
TMK 13-01266	11/19/2013	12/11/2021	DOODLES	DESIGN IDEAS, LTD.	No
TMK 13-01297	11/25/2013	1/14/2017	CASE AND DESIGN	CNH AMERICA LLC	No
TMK 13-01278	11/25/2013	5/5/2021	CASE (STYLIZED)	CNH AMERICA LLC	No
TMK 13-01264	11/19/2013	9/10/2023	NINTENDO LAND	NINTENDO OF AMERICA INC.	No
TMK 13-01254	11/19/2013	8/20/2022	P-38 LIGHTNING	LOCKHEED MARTIN CORPORATION	No
TMK 13-01279	11/25/2013	9/6/2021	STRIKEFORCE	FORZA, LLC	No
TMK 13-01273	11/21/2013	1/31/2022	WILDFOX	WILDFOX COUTURE IP HOLDINGS, LLC	No
TMK 05-00377	11/19/2013	8/24/2023	ANNTAYLOR	ANNCO, INC.	No
TMK 13-01281	11/25/2013	9/18/2017	BACKMAGIC	SMC, LTD.	No

Total Records: 120

Date as of: 12/3/2013

AGENCY INFORMATION COLLECTION ACTIVITIES:**Importation Bond Structure**

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

ACTION: 60-day notice and request for comments; extension of an existing collection of information: 1651–0050.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the Importation Bond Structure. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13; 44 U.S.C. 3507).

DATES: Written comments should be received on or before February 10, 2014, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

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 (Pub. L. 104–13; 44 U.S.C. 3507). 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 costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for

Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Importation Bond Structure.

OMB Number: 1651-0050.

Form Number: CBP Forms 301 and 5297.

Abstract: Bonds are used to assure that duties, taxes, charges, penalties, and reimbursable expenses owed to the Government are paid; to facilitate the movement of cargo and conveyances through CBP processing; and to provide legal recourse for the Government for noncompliance with laws and regulations. Each person who is required by law or regulation to post a bond in order to secure a Customs transaction must submit the bond on CBP Form 301 which is available at: http://forms.cbp.gov/pdf/CBP_Form_301.pdf.

Surety bonds are usually executed by an agent of the surety. The surety company grants authority to the agent via a Corporate Surety Power of Attorney, CBP Form 5297. This power is vested with CBP so that when a bond is filed, the validity of the authority of the agent executing the bond and the name of the surety can be verified to the surety's grant. CBP Form 5297 is available at: http://forms.cbp.gov/pdf/CBP_Form_5297.pdf. Bonds are required pursuant to 19 U.S.C. 1608, and 1623; 22 U.S.C. 463; 19 CFR Part 113.

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours or to CBP Forms 301 or 5297.

Type of Review: Extension (without change).

Affected Public: Businesses.

Form 301, Customs Bond

Estimated Number of Annual Respondents: 800,000.

Total Number of Estimated Annual Responses: 800,000.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 200,000.

Form 5297, Corporate Surety Power of Attorney

Estimated Number of Respondents: 500.

Total Number of Estimated Annual Responses: 500.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 125.

Dated: December 9, 2013.

TRACEY DENNING,
Agency Clearance Officer,
U.S. Customs and Border Protection.

[Published in the Federal Register, December 12, 2013 (78 FR 75576)]

AGENCY INFORMATION COLLECTION ACTIVITIES:

Request for Information

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

ACTION: 60-day notice and request for comments; extension of an existing collection of information: 1651-0023.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning: Request for Information (CBP Form 28). This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13; 44 U.S.C. 3507).

DATES: Written comments should be received on or before February 10, 2014, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229-1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, at 202-325-0265.

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 (Pub. L. 104-13; 44 U.S.C. 3507). 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 costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Request for Information.

OMB Number: 1651-0023.

Form Number: CBP Form 28.

Abstract: Under 19 U.S.C. 1500 and 1401a, Customs and Border Protection (CBP) is responsible for appraising imported merchandise by ascertaining its value, classifying merchandise under the tariff schedule, and assessing a rate and amount of duty to be paid. On occasions when the invoice or other documentation does not provide sufficient information for appraisal or classification, the CBP Officer requests additional information through the use of CBP Form 28, "Request for Information". This form is completed by CBP personnel requesting additional information and the importers, or their agents, respond in the format of their choice. CBP Form 28 is provided for by 19 CFR 151.11. A copy of this form and instructions are available at http://forms.cbp.gov/pdf/CBP_Form_28.pdf.

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours or to CBP Form 28.

Type of Review: Extension (without change).

Affected Public: Businesses.

Estimated Number of Respondents: 60,000.

Estimated Time per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 60,000.

Dated: December 9, 2013.

TRACEY DENNING,
Agency Clearance Officer,
U.S. Customs and Border Protection.

**AGENCY INFORMATION COLLECTION ACTIVITIES:
Canadian Border Boat Landing Permit (CBP Form I-68)**

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

ACTION: 60-Day Notice and request for comments; Extension of an existing collection of information: 1651-0108.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the Canadian Border Boat Landing Permit (Form I-68). This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13; 44 U.S.C. 3507).

DATES: Written comments should be received on or before February 7, 2014, to be assured of consideration.

ADDRESSES: Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229-1177.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, at 202-325-0265.

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 (Pub. L. 104-13; 44 U.S.C. 3505(c)(2)). 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 costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for

Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

Title: Canadian Border Boat Landing Permit.

OMB Number: 1651-0108.

Form Number: CBP Form I-68.

Abstract: The Canadian Border Boat Landing Permit (CBP Form I-68) allows participants entering the United States along the northern border by small pleasure boats weighing less than 5 tons to telephonically report their arrival without having to appear in person for an inspection by a CBP officer. United States citizens, Lawful Permanent Residents of the United States, Canadian citizens, Landed Commonwealth Residents of Canada, and Landed Residents of Canada who are nationals of the Visa Waiver Program countries listed in 8 CFR 217.2(a) are eligible to participate.

The information collected on CBP Form I-68 allows people who enter the United States from Canada by small pleasure boats to be inspected only once during the boating season, rather than each time they make an entry. This information collection is provided for by 8 CFR 235.1(e) and Section 235 of Immigration and Nationality Act. CBP Form I-68 is accessible at http://forms.cbp.gov/pdf/CBP_Form_I68.pdf.

Current Actions: This submission is being made to extend the expiration date with no change to the burden hours or to CBP Form I-68.

Type of Review: Extension (without change).

Affected Public: Individuals or households.

Estimated Number of Respondents: 68,000.

Estimated Time per Respondent: 10 minutes.

Estimated Total Annual Burden Hours: 11,288.

Estimated Annual Cost: \$1,088,000.

Dated: December 4, 2013.

TRACEY DENNING,
Agency Clearance Officer,
U.S. Customs and Border Protection.

AGENCY INFORMATION COLLECTION ACTIVITIES:

Passenger and Crew Manifest

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

ACTION: 30-Day notice and request for comments; Extension of an existing information collection: 1651-0088.

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: Passenger and Crew Manifest (Advance Passenger Information System-APIS). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with no change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (78 FR 55279) on September 10, 2013, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before January 8, 2014 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to oir_submission@omb.eop.gov or faxed to (202) 395-5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229-1177, at 202-325-0265.

SUPPLEMENTARY INFORMATION: U.S. Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests

pursuant to the Paperwork Reduction Act (Pub. L. 104–13; 44 U.S.C. 3507). Your comments should address one of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological techniques or other forms of information.

Title: Passenger and Crew Manifest (Advance Passenger Information System—APIS).

OMB Number: 1651–0088.

Form Number: None.

Abstract: The Advance Passenger Information System (APIS) is an automated method in which U.S. Customs and Border Protection (CBP) receives information about passengers and crew onboard inbound and outbound international flights before their arrival in or departure from the United States. APIS data includes biographical information for international air passengers arriving in or departing from the United States, allowing the data to be checked against CBP databases.

The information is submitted for both commercial and private aircraft flights. Specific data elements required for each passenger and crew member include: Full name; date of birth; gender; citizenship; document type; passport number; country of issuance and expiration date; and alien registration number where applicable.

APIS is authorized under the Aviation and Transportation Security Act, Public Law 107–71. Under this statute, the transmission of passenger and crew manifest information is required even for flights where the passengers and crew have already been pre-screened or pre-cleared at the foreign location for admission to the United States. APIS is required under 19 CFR 122.49a, 122.49b, 122.49c, 122.75a, 122.75b, and 122.22. Respondents submit their electronic manifest either through a direct interface with CBP, or using eAPIS which is a

web-based system that can be accessed at <https://eapis.cbp.dhs.gov/>.

Current Actions: This submission is being made to request an extension with no change to the burden hours or to the information collected.

Type of Review: Extension with no change.

Affected Public: Businesses, Individuals.

Estimated Number of Respondents: 1,130.

Estimated Number of Total Annual Responses: 1,850,878.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 307,245.

Estimated Costs: \$68,361,719.

Commercial Airline Passengers (3rd party):

Estimated Number of Respondents: 184,050,663.

Estimated Number of Total Annual Responses: 184,050,663.

Estimated Time per Response: 10 seconds.

Estimated Total Annual Burden Hours: 496,937.

Private Aircraft Pilots:

Estimated Number of Respondents: 460,000.

Estimated Number of Total Annual Responses: 460,000.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 115,000.

Dated: December 4, 2013.

TRACEY DENNING,
Agency Clearance Officer,
U.S. Customs and Border Protection.

[Published in the Federal Register, December 9, 2013 (78 FR 73876)]

