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September 30, 2025

VIA CM/ECF

Clifton Cislak, Clerk of Court  
U.S. Court of Appeals for the D.C. Circuit  
333 Constitution Ave. NW  
Washington, DC 20001

RE: *Heroes Technology (US) LLC d/b/a Snuggle Me Organic v.*  
*Consumer Product Safety Commission,*  
No. 25-1003 (D.C. Cir.)

Dear Mr. Cislak:

We write to advise the Court that the Commission recently became aware that petitioner is now selling a product called the Snuggle Me Lounger Curve. *See* Snuggle Me Organic, *Meet the NEW Lounger Curve*, <https://perma.cc/2EMD-ZD43> (last visited Sep. 30, 2025). Petitioner's reply brief does not discuss this product, but the product appears relevant to several arguments reiterated by petitioner in that brief, including (1) that the Commission's decision to adopt a 180-day effective date failed to give regulated entities enough time to come into compliance, Reply Br. 26-28; Br. 55-57, and (2) that products designed to comply with the mandatory standard may endanger infants by creating "increased fall hazards," Reply Br. 25-26; Br. 53-55.

According to an article in a publication called *Today's Parent*, the new Lounger Curve is a “viral item” that is “[s]o popular[] it keeps selling out at Nordstrom.” Courtney Leiva, *10 Safe Ways to Use Your Snuggle Me Lounger*, *Today's Parent*, <https://www.todaysparent.com/baby/smart-ways-to-use-your-snuggle-me-lounger/> (last updated Sep. 15, 2025).<sup>1</sup> The article quotes a statement from Olivia Davis, identified as the General Manager at Snuggle Me Organic, that:

The new Lounger Curve isn't just thoughtfully designed—it also meets the latest U.S. CPSC Infant Cushion Rule, making it one of the few loungers out there to comply with federal standards. Parents can trust that the Lounger Curve has undergone rigorous testing and checks every box for safety and compliance.

*Id.* (quotation marks omitted). The article further quotes Ms. Davis as stating that the new lounger “combines the cozy, beautiful design Snuggle Me is known for with several key upgrades to the original model.” *Id.* (quotation marks omitted). If accurate, this article further undermines petitioner's challenge to the reasonableness of the Commission's mandatory safety standard for infant support cushions.

Sincerely,

/s/ Michael Shih  
MICHAEL SHIH

cc: All counsel (via CM/ECF)

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<sup>1</sup> A PDF image of the article as it appeared as of the date of this letter is available at <https://perma.cc/UEU4-8Y8U>.