

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN INK APPLICATION DEVICES
AND COMPONENTS THEREOF AND
METHODS OF USING THE SAME**

Investigation No. 337-TA-832

LIMITED EXCLUSION ORDER

The Commission has found Respondents T-Tech Tattoo Device Inc. (“T-Tech”) of Ontario, Canada, Yiwu Beyond Tattoo Equipments Co., Ltd. (“Yiwu”) of Yiwu City, China, and Guangzhou Pengcheng Cosmetology Firm (“Guangzhou Pengcheng”) of Guangzhou, China in violation of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“section 337”). In particular, the Commission has found T-Tech in default pursuant to subsection (d)(1) of section 337 and section 210.17 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.17), and Yiwu and Guangzhou Pengcheng in default pursuant to subsection (g) of section 337 and section 210.16 of the Commission’s Rules of Practice and Procedure (19 C.F.R. § 210.16) for failing to respond to a Notice of Investigation and a Complaint that alleged a violation of section 337 with respect to the unlawful importation, sale for importation, and sale after importation of certain ink application devices and components thereof and methods of using same by reason of infringement of one or more claims of U.S. Patent Nos. 6,505,530 (“the ‘530 patent”) and 6,345,553 (“the ‘553 patent”).

Having reviewed the record of this investigation, including the written submissions of the parties, the Commission has made its determination on the issues of remedy, the public interest, and bonding. The Commission has determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of covered ink application devices and

components thereof manufactured for or on behalf of Yiwu, Guangzhou Pengcheng, T-Tech, or any of their affiliated companies, parents, subsidiaries, licensees, or other related business entities, or their successors or assigns.

The Commission has also determined that the public interest factors enumerated in 19 U.S.C. §§ 1337(d) and (g) do not preclude the issuance of the limited exclusion order, and that there shall be a bond of 100 percent for all covered products during the period of Presidential review.

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

1. Ink application devices and components thereof that infringe one or more of claims 1-3, 7, 8, 19, and 20 of the '530 patent and that are manufactured abroad by or on behalf of, or imported by or on behalf of, Yiwu, T-Tech, or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, are excluded from entry for consumption into the United States, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, for the remaining term of the patent, except under license of the patent owner or as provided by law.

2. Ink application devices and components thereof that infringe one or more of claims 1-3, 7-12 and 16-20 of the '530 patent and claims 1-4, 10, 12-14, 21-23, and 26-28 of the '553 patent and that are manufactured abroad by or on behalf of, or imported by or on behalf of, Guangzhou Pengcheng or any of its affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, are excluded from entry for consumption into the United States, entry for consumption from a foreign trade zone, or withdrawal from a warehouse for consumption, for the remaining terms of the patents, except under license of the patent owner or as provided by law.

3. Notwithstanding paragraphs 1-2 of this Order, the aforesaid ink application devices and components thereof are entitled to entry into the United States for consumption, entry for consumption from a foreign-trade zone, or withdrawal from a warehouse for consumption under bond in the amount of 100 percent of the entered value of such articles pursuant to subsection (j) of section 337 (19 U.S.C. § 1337(j)) and the Presidential Memorandum for the United States Trade Representative of July 21, 2005 (70 *Fed. Reg.* 43,251), from the day after this Order is received by the United States Trade Representative until such time as the United States Trade Representative notifies the Commission that this Order is approved or disapproved but, in any event, not later than sixty days after the date of receipt of this Order.

4. At the discretion of U.S. Customs and Border Protection (“CBP”) and pursuant to procedures that it establishes, persons seeking to import ink application devices and components thereof that are potentially subject to this Order may be required to certify that they are familiar with the terms of this Order, that they have made appropriate inquiry, and thereupon state that, to the best of their knowledge and belief, the products being imported are not excluded from entry under paragraphs 1-2 of this Order. At its discretion, CBP may require persons who have provided the certification described in this paragraph to furnish such records or analyses as are necessary to substantiate the certification.

5. In accordance with subsection (l) of section 337 (19 U.S.C. § 1337(l)), the provisions of this Order shall not apply to ink application devices and components thereof imported by and for the use of the United States, or imported for, and to be used for, the United States with the authorization or consent of the Government.

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

7. The Secretary shall serve copies of this Order upon each party of record in this investigation and upon the Department of Health and Human Services, the Department of Justice, the Federal Trade Commission, and CBP.

8. Notice of this Order shall be published in the Federal Register.

By order of the Commission.



Lisa R. Barton
Acting Secretary to the Commission

Issued: October 23, 2013

**CERTAIN INK APPLICATION DEVICES AND
COMPONENTS THEREOF AND METHODS OF USING THE
SAME**

337-TA-832

CERTIFICATE OF SERVICE

I, Lisa R. Barton, hereby certify that the attached **NOTICE** has been served by hand upon the Commission Investigative Attorney, Matthew Bathon, Esq., and the following parties as indicated, on **October 23, 2013**.



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

**On Behalf of Complainants MT Derm GmbH and
Nouveau Cosmetique USA Inc:**

Michael R. Dzwonczyk, Esq.
SUGHRUE MION, PLLC
2100 Pennsylvania Avenue, N.W., Suite 800
Washington, D.C. 20037

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

T-Tech Tattoo Device Inc.
33 Kiriakou St.
Scarborough, ON
M1P 5G8 Canada

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Yiwu Beyond Tattoo Equipments Co., Ltd.
Houzhai Industrial Zone,
Yiwu City, Zhejiang Province 322000
China

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____

Guangzhou Pengcheng Cosmetology Firm
Booth 109, The First Floor, Anhua Beauty Exchange Center
121 West Guangyuan Road
Yuexiu Dist., Guangzhou, Guangdong, China 510010

Via Hand Delivery
 Via Express Delivery
 Via First Class Mail
 Other: _____