

**UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.**

In the Matter of

**CERTAIN ARTIFICIAL EYELASH
EXTENSION SYSTEMS, PRODUCTS,
AND COMPONENTS THEREOF**

Investigation No. 337-TA-1226

**NOTICE OF COMMISSION DETERMINATION NOT TO REVIEW
AN INITIAL DETERMINATION TERMINATING THE INVESTIGATION WITH
RESPECT TO CERTAIN CLAIMS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 24) of the presiding administrative law judge (“ALJ”) granting the complainant’s motion to terminate the investigation as to certain claims of U.S. Patent Nos. 10,660,388 (“the ’388 patent”) and 10,721,984 (“the ’984 patent”) based on withdrawal of the allegations in the complaint as to those claims.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-3228. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its Internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission’s TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: On October 28, 2020, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), based on a complaint filed by Lashify, Inc. of Glendale, California (“Complainant”). *See* 85 FR 68366-67. The complaint, as supplemented, alleges a violation of section 337 based upon the importation into the United States, sale for importation, or sale after importation into the United States of certain artificial eyelash extension systems, products, and components thereof by reason of infringement of the ’388 patent and the ’984 patent, and U.S. Design Patent Nos. D877,416 and D867,664. The complaint also alleges the existence of a domestic industry. The notice of investigation names nine respondents. *See id.* The Office of Unfair Import Investigations is also a party to the investigation. *See id.*

On April 19, 2021, Complainant filed an unopposed motion to partially terminate the investigation by reason of withdrawal of the complaint as to claims 2-4 and 7 of the '388 patent and claims 6-8, 12, 18-19, 25-26, and 29 of the '984 patent. No response to the motion was filed.

On April 23, 2021, the ALJ issued the subject ID (Order No. 24) granting Complainant's motion. Order No. 24 (April 23, 2021). The subject ID finds that Complainant met the requirements of Commission Rule 210.21(a) (19 CFR 210.21(a)) and there are no extraordinary circumstances that would prevent the requested partial termination of the investigation. The ID further finds no prejudice if the motion is granted. No party petitioned for review of the subject ID.

The Commission has determined not to review the subject ID. Claims 2-4 and 7 of the '388 patent and claims 6-8, 12, 18-19, 25-26, and 29 of the '984 patent are hereby terminated from this investigation.

The Commission vote for this determination took place on May 11, 2021.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR Part 210).

By order of the Commission.

A handwritten signature in black ink, appearing to read 'Lisa R. Barton' with a stylized flourish at the end.

Lisa R. Barton
Secretary to the Commission

Issued: May 11, 2021