

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN NASAL DEVICES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1444

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW AN INITIAL
DETERMINATION GRANTING COMPLAINANT'S MOTION FOR LEAVE TO
AMEND THE COMPLAINT AND NOTICE OF INVESTIGATION; REMANDING THE
INITIAL DETERMINATION FOR FURTHER PROCEEDINGS**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission ("Commission") has determined to review an initial determination ("ID") (Order No. 7) of the presiding administrative law judge ("ALJ"), granting complainant's motion for leave to amend the complaint and notice of investigation, and to remand the ID to the ALJ for further proceedings.

FOR FURTHER INFORMATION CONTACT: Joelle Justus, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 205-2593. 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: The Commission instituted this investigation on March 26, 2025, based on a complaint filed by Aardvark Medical Inc. ("Complainant"). 90 FR 13781-82 (Mar. 26, 2025). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 ("section 337"), in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain nasal devices and components thereof by reason of infringement of one or more of claims 1-5, 7-14, and 16-19 of U.S. Patent No. 9,750,856; claims 1-4, 6, 8-12, 14-17, 21-24, 27, and 28 of U.S. Patent No. 11,318,234; 1-3, 6-8, 10-12, 16-18, 21, 22, and 28 of U.S. Patent No. 11,883,009; claims 1-8, 10-15, and 17-22 of U.S. Patent No. 11,883,010; and claims 1-9, 12-21, 23, 24, and 26 of U.S. Patent No. 11,889,995. *Id.* at 13781. The complaint further alleges that a domestic industry exists. *Id.* The Commission's notice of investigation named as respondents

Xiamenximier Electronic Commerce Co., Ltd (d/b/a Cenny) and Xia Men Deng Jia E-Commerce Co., Ltd. (d/b/a Ronfnea) of Fujian, China; Chongqing Moffy Innovation Technology Co., Ltd. of Chongqing City, China; Guangdong XINRUNTAO Technology Co., Ltd. and Shenzhen Jun&Liang Media Tech Limited of Shenzhen, China; RhinoSystems, Inc. of Brooklyn, Ohio; and Spa Sciences LP of Port St. Lucie, Florida. *Id.* The Office of Unfair Import Investigations is not a party to the investigation. *Id.*

On April 4, 2025, Complainant filed a Motion for Leave to Amend the Complaint and Notice of Investigation, seeking leave to correct the corporate legal entity name of Respondent Spa Sciences LP to “Michael Todd Beauty LP d/b/a Spa Sciences” (“MTB”). The motion states that non-party MTB indicated it would take a position on the motion once filed.

On April 10, 2025, the ALJ issued the subject ID (Order No. 7). The ID treats the motion as unopposed. Order No. 7 at 2. The ID finds that “[t]here is no doubt that the correct legal name for the proposed respondent names in the Complaint and NOI as ‘Spa Sciences LP’” is MTB. *Id.* at 3. The ID explains that “Spa Sciences” is the registered fictitious name of MTB in Florida, and the address provided in the complaint matches that of MTB. *Id.* at 4. Moreover, none of the evidence Complainant submitted in support of the complaint references “Spa Sciences LP.” *Id.* The ID reasons that it would be “prejudicial to the public interest and the rights of [Complainant]” to allow an entity to import infringing goods in violation of section 337 “just because the wrong legal name of that entity was listed on the face of the initially filed [c]omplaint.” *Id.* The ID thus finds good cause for Complainant’s motion, and in the absence of opposition, grants the motion. *Id.*

On April 11, 2025, MTB filed an opposition to Complainant’s motion. On April 17, 2025, MTB filed a Motion for Reconsideration of the ID. MTB explained that it has consistently opposed its inclusion in this investigation and understood its opposition to Complainant’s motion to be due by April 16, 2025. MTB further notes that it did not receive a copy of the ID until after it filed its opposition. MTB thus asked the ALJ to reconsider the ID in light of MTB’s April 11, 2025 opposition. On April 28, 2025, Complainant filed an opposition to MTB’s Motion for Reconsideration.

No petitions for review of the subject ID were filed.

Pursuant to Commission Rule 210.44 (19 CFR 210.44), the Commission has determined to review the subject ID and remand the ID to the ALJ for further proceedings to consider MTB’s Motion for Reconsideration of Order No. 7 and Opposition to Complainant Aardvark Inc.’s Motion for Leave to Amend the Complaint.

The Commission vote for this determination took place on May 7, 2025.

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", enclosed within a large, loopy oval flourish.

Lisa R. Barton
Secretary to the Commission

Issued: May 8, 2025