

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

In the Matter of

**CERTAIN ELECTRIC SKIN CARE
DEVICES, BRUSHES AND CHARGERS
THEREFOR, AND KITS CONTAINING
THE SAME**

Investigation No. 337-TA-959

**NOTICE OF A COMMISSION DETERMINATION TO REVIEW ALJ ORDER NO. 15
AND NOT TO REVIEW ALJ ORDER NO. 13 AS MODIFIED BY ALJ ORDER NO.
15; ISSUANCE OF A CONSENT ORDER**

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review an initial determination (“ID”) (Order No. 15) of the presiding administrative law judge (“ALJ”) (1) terminating the investigation as to respondent Unicos USA, Inc. (“Unicos”) based on consent order, and (2) vacating-in-part Order No.13 by vacating the finding of default against Unicos. On review, the Commission has determined to modify the proposed consent order and not to review the remainder of Order No. 15. The Commission has issued the consent order as modified on review. The Commission has also determined not to review an ID (Order No. 13, as modified by Order No. 15) finding respondents Shanghai Anzikang Electric Co., Ltd. (“Anzikang”); Serious Skin Care, Inc. (“Serious”); Flageoli Classic Limited (“Flageoli”); Wenzhou Ai Er Electrical Technology Co., Ltd. d/b/a/ CNAIER (“Wenzhou”); and Coreana Cosmetics Co., Ltd. (“Coreana”) in default.

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-3115. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its Internet server at <http://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <http://edis.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 under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. § 1337 (“Section 337”), on June 25, 2015, based on a complaint filed by Pacific Bioscience Laboratories, Inc. of Redmond, Washington. 80 *Fed. Reg.* 36576-77 (Jun. 25, 2015). The amended complaint, as supplemented, alleges a violation of Section 337 by reason of infringement of certain claims of U.S. Patent Nos. 7,320,691 and 7,386,906, and U.S. Design Patent No. D523,809 by numerous respondents. The amended complaint further alleges violations of Section 337 based upon the importation into the United States, or in the sale of certain electric skin care devices, brushes and chargers therefor, and kits containing the same, by reason of trade dress infringement, the threat or effect of which is to destroy or substantially injure an industry in the United States. *Id.* The Commission’s Office of Unfair Import Investigations (“OUII”) was also named as a party.

On September 9, 2015, the ALJ issued an ID (Order No. 13) in which she determined that respondents Anzikang, Unicos, Serious, Flageoli, Wenzhou, and Coreana be found in default. On September 21, 2015, the ALJ issued an ID (Order No. 15) in which she (1) terminated the investigation as to respondent Unicos based on consent order, and (2) vacated-in-part Order No. 13 by vacating the finding of default against Unicos.

The Commission has determined to review Order No. 15 and, on review, to modify Order No. 15 by striking the words “in concert or participation with Unicos or” on line 3 of paragraph 3 of the proposed consent order. The Commission has determined not to review the remainder of Order No. 15. The Commission has further determined not to review Order No. 13 as modified by Order No. 15. The Commission has determined to issue the consent order as modified on review.

The authority for the Commission’s determinations 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 C.F.R. Part 210).

By order of the Commission



Lisa R. Barton
Secretary to the Commission

Issued: October 20, 2015