

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, D.C.

In the Matter of

**CERTAIN DERMATOLOGICAL
TREATMENT DEVICES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-1356

**NOTICE OF COMMISSION DETERMINATION TO AUTHORIZE JUDICIAL
ENFORCEMENT OF A SUBPOENA *DUCES TECUM* AND *AD TESTIFICANDUM***

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to authorize judicial enforcement of a subpoena issued by the presiding administrative law judge (“ALJ”) in this investigation, and has authorized its Office of the General Counsel to seek such enforcement

FOR FURTHER INFORMATION CONTACT: Benjamin S. Richards, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street S.W., Washington, D.C. 20436, telephone (202) 708-5453. 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 April 6, 2023. 88 FR 20551 (Apr. 6, 2023). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain dermatological treatment devices by reason of infringement of certain claims of U.S. Patent No. 9,480,836; U.S. Patent No. 10,058,379; U.S. Patent No. 11,406,444; U.S. Patent No. 9,320,536; U.S. Patent No. 9,775,774; and U.S. Patent No. 10,869,812 (“the asserted patents”). *Id.* The complaint further alleges that a domestic industry exists. *Id.* The Commission’s notice of investigation named as respondents Sung Hwan E&B Co., LTD. d/b/a SHEnB Co. LTD of Seoul, Republic of Korea; Aesthetics Biomedical, Inc. of Phoenix, AZ; Cartessa Aesthetics, LLC of Melville, NY; Lutronic Corporation of Goyang-si, Republic of Korea; Lutronic Aesthetics, Inc., also known as Lutronic, Inc. of Billerica, MA; Lutronic, LLC of Billerica, MA; Ilooda, Co.,

Ltd. of Anyang-si, Republic of Korea; Cutera, Inc. of Brisbane, CA; Jeisys Medical Inc. of Seoul, Republic of Korea; Cynosure, LLC of Westford, MA; Rohrer Aesthetics, LLC of Homewood, AL; Rohrer Aesthetics, Inc. of Homewood, AL; EndyMed Medical Ltd. of Caesarea, Israel; EndyMed Medical, Ltd. of New York, NY; and EndyMed Medical, Inc. of Freehold, NJ (collectively, “Respondents”). *Id.* at 20552. The Office of Unfair Import Investigations (“OUII”) is also participating in the investigation. *Id.*

On May 2, 2023, the ALJ issued a subpoena *duces tecum* and *ad testificandum* to nonparty Merle W. Richman, III, Esq. Respondents served the subpoena on Mr. Richman by overnight delivery on May 3, 2023. To date, Mr. Richman has not responded to the subpoena in any fashion. On May 22, 2023, Respondents moved for judicial enforcement of the subpoena. Respondents re-filed the motion on May 26, 2023, with additional assertions concerning service of the subpoena and the motion on Mr. Richman. On June 1, 2023, Complainant Serendia, LLC of Lake Forest, California submitted a response to Respondents’ motion taking the position that it was unclear whether Mr. Richman had been properly served, but not otherwise opposing the motion. On the same day, OUII submitted a response in support of the motion, taking the position that Mr. Richman was properly served and that the documents and testimony sought in the subpoena were relevant to this investigation. On June 7, 2023, the ALJ issued an order (Order No. 11) granting Respondents’ motion for judicial enforcement of the subpoena. Order 11 found that Mr. Richman had been properly served and that there was no dispute that the documents and testimony sought by the subpoena are relevant to this investigation. By the same order, the ALJ certified Respondents’ request for judicial enforcement of the subpoena to the Commission.

The Commission has authorized its Office of the General Counsel to seek judicial enforcement of the subpoena *duces tecum* and *ad testificandum* to Mr. Merle W. Richman, III, Esq.

The Commission vote for this determination took place on July 11, 2023.

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.



Lisa R. Barton
Secretary to the Commission

Issued: July 12, 2023